Striving for security

State responses to violence under the FMLN government in El Salvador 2009-2014

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Abstract

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This research focuses on the provision of intrastate security and on the question how states in the global South do or do not provide security for their citizens and do or do not protect them from physical violence. This thesis argues that while institutional conditions are an important aspect of security provision in the global South, more attention needs to be paid to policy processes. Institution building as set out in the literature about Security Sector Reform and statebuilding assumes that it is possible to provide security to all citizens of a state by building democratic state security institutions. However, this is only possible if the state is the predominant force of controlling violence. Research showed that this is rarely the case in countries of the global South. This thesis contends that statehood in the global South is contested due to power struggles between multiple state and non-state elites. It argues that the analysis of security policy processes allows for an analysis of security provision in societies where no centralised control over violence exists. It contributes to a better understanding of the shortcomings of security provision in the global South because it shows the impact of societal and state actors on security policy making. Using the case of security policy making under the first FMLN (*Frente Farabundo Martí para la Liberación Nacional*, Farabundo Martí Front for National Liberation) government in El Salvador (2009-2014), the thesis shows that, in a contested state policy making does not result from a pact between the state and society or from a social consensus as envisaged by parts of the FMLN and other forces of the New Left in Latin America. Instead, policy making results from elite pacts and elite struggles. This is illustrated in the domination of

an ad hoc decision-making mode which describes short-term decisions which are insufficiently implemented and easily reversed or replaced. Thus, security provision as a policy field remains focused on elite interests and does not include the interests of the broader population.

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List of Abbreviations

Abbreviation	Full title
ABECAFE	Asociación Salvadoreña de Beneficiadores y Exportadores de Café (Salvadoran Association of Cultivators and Exporters of Coffee)
AIEPES	Asociación de Ex Internosas Penitenciariosas de El Salvador (Association of Ex-Inmates of El Salvador)
ALBA	Alianza Bolivariana para los Pueblos de Nuestra America (Bolivarian Alliance for the Peoples of Our America)
ANEP	Asociación Nacional de la Empresa Privada (National Association of Private Enterprise)
ANSP	Academia Nacional de Seguridad Pública (National Academy for Public Security)
ANSESAL	Agencia Nacional de Seguridad Salvadoreña (Salvadoran National Security Agency)
ARENA	Alianza Republicana Nacionalista (Republican Nationalist Alliance)
CARSI	Central America Regional Security Initiative
CEPES	Centro de Estudios Penales de El Salvador (Penal Studies Centre of El Salvador)
CICIG	Comisión Internacional contra la Impunidad en Guatemala (International Commission against Impunity in Guatemala)
CIDAI	Centro de Información, Documentación y Apoyo a la Investigación (Centre for Information, Documentation and Research Support)
CIDEHUM	Centro Internacional para los Derechos Humanos de los Migrantes (International Centre for the Human Rights of Migrants)
CIHD	Comisión de Investigación de Hechos Delictivos (Special Investigative Unit)

CNSP	Consejo Nacional para la Seguridad Pública (National Council for Public Security)
COSASE	Compañía Salvadoreña de Seguridad (Salvadoran Company for Security)
DAC	Development Assistance Committee
DAN	División Anti Narcóticos (Antinarcotics Division)
DAV	Dirección de Atención a Víctimas (Directorate of Attention to Victims)
DDR	Demobilisation, Demilitarisation, and Reintegration
DECO	División Élite Contra el Crimen Organizado (Elite Anti Organised Crime Division)
DFID	Department for International Development
DGCP	Dirección General de Centros Penales (Directorate General of Penitentiaries)
DTJ	Democracy, Transparency, Justice (Democracia, Transparencia, Justicia)
ERP	Ejército Revolucionario del Pueblo (Revolutionary Army of the People)
FAES	Fuerza Armada de El Salvador (Armed Forces of El Salvador)
FAL	Fuerzas Armadas de Liberación (Armed Forces of Liberation)
FAR-LP	Fuerzas Armadas Revolucionarias de la Liberación Popular (Revolutionary Armed Forces of Popular Liberation)
FARN	Fuerzas Armadas de la Resistencia Nacional (Armed Forces of National Resistance)
FARO	Frente de Agricultores de la Región Oriental (Farmers' Front of the Eastern Region)
FBI	Federal Bureau of Investigation
FESPAD	Fundación de Estudios para la Aplicación del Derecho (Foundation for Applied Legal Studies)
FGR	Fiscalía General de la República (State Attorney's Office)

FLACSO	Facultad Latinoamericana de Ciencias Sociales (Latin American Faculty of Social Sciences)
FMLN	Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí Front for National Liberation)
FPL	Fuerzas Populares de Liberación “Farabundo Martí” (Popular Forces of Liberation “Farabundo Martí”)
FUSADES	Fundación Salvadoreña para el Desarrollo Económico y Social (Salvadoran Foundation for Economic and Social Development)
GANA	Gran Alianza por la Unidad Nacional (Grand Alliance for National Unity)
GDP	Gross Domestic Product
GIZ	Gesellschaft für Internationale Zusammenarbeit (Association for International Cooperation)
ICITAP	International Criminal Investigative Training Assistance Program
IDB	Inter-American Development Bank
IEMP	Ideological, Economic, Military, and Political Power
INCAFÉ	Instituto Nacional de Café (National Institute of Coffee)
IG	Inspectoría General (Inspectorate General)
IML	Instituto de Medicina Legal (Institute for Forensic Medicine)
ISD	Iniciativa Social para la Democracia (Social Initiative for Democracy)
ISDEMU	Instituto Salvadoreño para el Desarrollo de la Mujer (Salvadoran Institute for the Development of Women)
ISI	Import-Substitution Industrialisation
IUDOP	Instituto Universitario de Opinión Pública (University’s Institute of Public Opinion)
MJSP	Ministerio de Justicia y Seguridad Pública (Ministry of Justice and Public Security)
MNR	Movimiento Nacional Revolucionario (National Revolutionary Movement)
MUSYGES	Movimiento de Unidad Sindical y Gremial de El

	Salvador (Movement of United Unions and Guilds of El Salvador)
NGO	Non-Governmental Organisation
NSD	National Security Doctrine
OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
OIE	Organismo de Inteligencia del Estado (State Intelligence Agency)
ONUSAL	Misión de Observación de las Naciones Unidas en El Salvador (United Nations Observer Mission in El Salvador)
ORDEN	Organización Democrática Nacionalista (Nationalist Democratic Organisation)
PCN	Partido de Conciliación Nacional (Party of National Conciliation)
PCS	Partido Comunista Salvadoreño (Salvadoran Communist Party)
PDC	Partido Demócrata Cristiano (Christian Democratic Party)
PDDH	Procuraduría para la Defensa de Derechos Humanos (Human Rights Ombudsman Office)
PEI	Plan Estratégico Institucional (Strategic Institutional Plan)
PELA	Élites Parlamentarias de América Latina (Parliamentarian Elites of Latin America)
PJSC	Política Nacional de Justicia, Seguridad Pública y Convivencia (National Policy of Justice, Public Security, and Living Together)
PN	Policía Nacional (National Police)
PNC	Policía Nacional Civil (National Civilian Police)
PRTC	Partido Revolucionario de los Trabajadores Centroamericanos (Revolutionary Party of Central American Workers)

RN	Resistencia Nacional (National Resistance)
SACDEL	Sistema de Asesoría y Capacitación para el Desarrollo Local (Consultancy and Training System for Local Development)
SSR	Security Sector Reform
UCA	Universidad Centroamericana (Central American University)
UN	United Nations
UNAPS	Unión Nacional de Agencias Privadas de Seguridad (National Union of Private Security Agencies)
UNDP/PNUD	United Nations Development Programme/Programa de las Naciones Unidas para el Desarrollo
UNO	Unión Nacional Opositora (National Opposition Union)
UNODC	United Nations Office on Drugs and Crime
UK	United Kingdom
US	United States of America
USAID	United States Agency for International Development
WOLA	Washington Office on Latin America

1. Introduction

In one of her classes a teacher of German as a foreign language asked her student, an 11 year old Salvadoran boy, to build a sentence using the words: Anna – policewoman – 30 – from Berlin – two children. The idea was to learn how to describe people and their lives. The boy wrote: 'Anna needs 30 policewomen for two children from Berlin.'

Having read the boy's worksheet during my fieldwork visit in El Salvador in 2013, I was amused by his creative way of composing sentences but the phrase did not seem to make sense. Why would two children need 30 police officers? Yet, I wondered if the idea was not so irrational from the boy's perspective. Providing security as a huge mobilisation of security forces – was that what he had learned in El Salvador?

This research focuses on the provision of intrastate security and on the question how states in the global South do or do not provide security for their citizens and protect them from physical violence. It explores what policies inform security provision in states of the global South and whether security policies embody the use of force as outlined in the anecdote above or what alternatives do exist. The thesis argues that while there is comprehensive knowledge about the role of institutions in state security provision less is known about security policy making. Scholars have examined security provision through the lens of statebuilding and Security Sector Reform (SSR) (e.g. Call and Wyeth, 2008, Chanaa, 2002); other scholars have criticised these approaches for their presupposition of an ideal-type liberal, democratic state to be achieved, either implicitly or explicitly, and for neglecting regional and local understandings of security and statehood (e.g. Chandler, 2006, Richmond, 2014). The literature showed that both statebuilding and SSR are concepts strongly oriented towards the building of formal state institutions. Less attention was paid to the role of policy processes and the question how security actors on the executive level make decisions. State security provision is not only the result of state security institutions, i.e. of norms and rule structures; it is also the result of decision-making processes of political actors. Shifting emphasis to policy processes

uncovers security provision as it is, not as it ideally ought to be. Analyses of policy making in the statebuilding and SSR literature do exist but are concentrated on policy processes within the international community and/or the relationship between international and 'local' actors (e.g. von Einsiedel, 2005, Peake et al., 2008, Willems, 2015). Analyses with an in-depth focus on security policy making in a specific society and within a specific political environment are rare.

While the thesis acknowledges the importance of institutional conditions for security provision, it spots a gap in understanding the policy-making process of security provision, that is, in understanding modes of coordination or contestation between state and social actors. It draws on conceptualisations of statehood in the global South by Risse (Risse and Lehmkuhl, 2006, Risse, 2011) and Boege et al. (2008, 2009) as well as on Migdal's state-in-society approach (Migdal, 1988, Migdal et al., 1994, Migdal, 2001, Migdal and Schlichte, 2005). On this basis it argues that in contexts of 'contested statehood', security provision is driven by power struggles between state actors and social actors. Risse (2011: 4) coined the term 'limited statehood' to describe areas in which central authorities lack the ability to 'enforce rules and decisions' or lack a legitimate monopoly on violence. He argued that besides the institutionalised rule structure of states the process dimension is important to consider to understand how areas of 'limited statehood' are governed. He described this process dimension as 'modes of social coordination' between multiple actors. Similarly, Boege et al. (2008, 2009) developed an approach to analyse statehood in the global South which they called 'hybrid political orders'. The authors claimed to reject an ideal-type state model and instead focused on 'existing realities' to overcome the notion of deficient statehood which underlies the concept of Risse and other scholars of state formation and statebuilding. Migdal (2001) on the other hand contended that states are shaped by power struggles between state and social actors. According to Migdal, states compete with social actors for imposing certain standards of behaviour. Combining the contributions of these strands this thesis suggests the term 'contested statehood'. The process dimension of statehood which exists besides the institutional structure of the state does not only comprise modes of coordination but also modes of contestation between multiple actors. The ability of central

state authorities to enforce rules and decisions is influenced and contested by other state and social actors. Importantly, this thesis adopts a perspective which does not assume centralised control over violence where it does not exist. Instead, it looks at practices of violence control by social and state actors.

This thesis offers a critical, non-descriptive, in-depth analysis of security policy making. The focus of the thesis is not on single policy decisions in their various stages of enactment but on how political decision makers act in contexts of 'contested statehood' and on how their decisions impact on reforms of security institutions. Thus, the thesis contributes to understanding modes of security decision making and to identifying obstacles to security institution building. The thesis argues that in a contested state the forces of society which shape the state-society relationship are the interests of powerful elites. In this context, policy making does not result from a pact or social consensus between the state and the majority of society. Instead, policy making results from modes of contestation and accommodation between economic, military, and political elites. Thus, security provision as a policy field remains focused on elite interests and does not include the interests of the broader population.

Epistemologically this research is grounded in critical security studies and more specifically is inspired by the works of the Paris School (Bigo, 2008, Balzacq et al., 2010). Theorists of the Paris School, influenced by the practice theory of French sociologists, proposed that in order to understand how security operates, everyday security practices needed to be examined. According to Bigo (2008), social concepts including the concept of security only become significant if they are placed in a spatial and temporal context and if they relate to specific practices. This implied a strong focus on empirical investigations, namely exploring what actors do and explaining their reasoning. However, empirical research of scholars from the Paris School concentrated on security in European societies. In this regard this research follows the call of critiques from scholars of critical security studies regarding the statebuilding and SSR literature to include regional and local perspectives on security and statehood in practical and academic work. Therefore it is, first, embedded in academic security thinking in the global South, particularly in Latin America, and second, investigates the development of security policies by national policy makers. This includes a discussion of the Latin American concept of citizen security which

placed emphasis on the responsibility of states to protect citizens as well as the entitlement of citizens for protection (Luckham and Kirk, 2012). Similar to the statebuilding literature, the responsibility of states to protect citizens was mainly associated with institution building. The entitlement of citizens for protection was predominantly addressed by community-based approaches. Although the concept of citizen security is strongly policy-oriented and lacks substantial theorisation, decision-making processes by political actors were not explored in the citizen security literature.

As a northern researcher in a southern society and with a focus on national (rather than departmental or community-based) policies, there are limits to the 'local-ness' of the approach. Similarly the conceptual framework of the thesis (Chapter Three) as well as the methodology (which is briefly outlined below and explained in detail in Chapter Four) draws primarily on the works of northern scholars. For instance, the policy cycle model (Howlett et al., 2009) is a heuristic tool which guides the analysis (see below). However, it was developed with regard to policy making in northern societies. Thus, using this specific tool already implies certain presuppositions about the process of policy making as it ought to be. These are the boundaries which mark the research. In the methodology part I described how I tried being reflexive upon these limitations throughout the research process in three ways: first, I considered the possible impact of cultural differences between the researcher (from the North) and research participants (mostly from the South) on the collection and analysis of the data. Second, in the empirical analysis I complemented the focus on the national level with materials which add information about the local level; for instance special attention was paid to the local effects of national policy decision making. Third, I tried to minimise the projection of presuppositions of the conceptual framework on the materials by working inductively and starting off with a rather loose and general set of questions for data collection (see below) which was refined during the research process.

Embracing national, non-northern perspectives on security requires an understanding of the role of violence in the past and present of the society under examination. This thesis focuses on El Salvador where security provision faces extreme difficulties: In 2015, 103 intentional homicides per 100,000

inhabitants were counted in El Salvador.[1] This means it replaced Honduras as the world's most violent country. At the present time criminal violence receives by far the most attention from national and international policy makers. The omnipresence of violent actors like gangs and criminal networks, and of private security companies assuming a major role in protecting businesses, communities, and even state agencies underscores the lack of a legitimate state monopoly of violence. El Salvador is politically highly polarised and economically divided between a very small wealthy economic elite and a large impoverished population, with a relatively small middle class. Even though criminal violence is extraordinarily high in El Salvador, other Latin American countries are affected similarly. Venezuela, Honduras, Guatemala, and Mexico are, for instance, societies struggling with massive criminal violence. Besides Southern Africa, Central America is the world's region with most violent deaths unrelated to war (UNODC, 2013). In the last two decades responses by governments and security forces in these countries were marked by mostly authoritarian, coercive policies. Coercive security policies rely on punishment through incarceration, deterrence, and the use of military force in the realm of public security. They contrast with non-coercive policies which aim at the protection of all citizens through preventive, participatory, community-oriented measures and are based on the principles of the rule of law. Research showed that rather than containing violence coercive policies contributed to further escalation (Bailey and Dammert, 2006a, Jütersonke et al., 2009, Bruneau et al., 2011, Kenny and Serrano, 2011, Zilberg, 2011). Although political and historical conditions are unique in each society, other Latin American countries are not just similarly affected by criminal violence but are also marked by a multitude of non-state violent and security actors. Against this background this thesis asks whether in contexts of massive social violence and a lack of a legitimate state monopoly of violence non-coercive state responses to violence do exist. If this is to be confirmed, than it is further questioned what characterises these non-coercive state responses. To this end, the thesis explores the attempt of the first FMLN government in El Salvador (2009-2014) to establish a non-coercive security policy.

[1] Numbers for El Salvador are according to the Salvadoran Institute for Forensic Medicine (Reuters, 2015). In Honduras, 90.4 homicides per 100,000 inhabitants were listed in 2012, according to the United Nations Office on Drugs and Crime (UNODC) Global Study on Homicides (2013).

The thesis shows that in the process of state formation in El Salvador violence served as an instrument for elites to exercise control but was not centralised. After the end of the civil war in 1992 efforts were made to centralise and democratically control violence through institutional reforms of the security sector. These reforms were part of the Peace Agreement between the Salvadoran government and the guerrilla group FMLN (*Frente Farabundo Martí para la Liberación Nacional*, Farabundo Martí Front for National Liberation), mediated by the United Nations (UN). ONUSAL, the United Nations Observer Mission in El Salvador (1990-1995), and other actors of the international community strongly supported the implementation of the security reforms. The reforms implied a paradigm shift of the state from using violence as an instrument of suppression toward assuming the responsibility to protect citizens from violence. The thesis explores the gap between this claim of the security reforms for a paradigm shift articulated in the Peace Accords and the actual performance of security actors using the examples of policing and the prison system. Based on the literature about post-war violence and about security responses of the post-war governments, it finds that the continuance of violence is linked to coercive policies under the ruling of the ARENA party (*Alianza Republicana Nacionalista*, Republican National Alliance, 1989-2009) and to a neoliberal economic order which has resulted in precarious work and social exclusion (Aguilar, 2004, Amaya, 2006, Jütersonke et al., 2009, Bruneau et al., 2011, Zilberg, 2011, Bull, 2013, Zinecker, 2014). The literature showed that violence was criminalised and made an apolitical issue in the discourses of the Salvadoran political elites and international policy makers (Peetz, 2008, Moodie, 2010, Moodie, 2012, Cruz, 2016). In this regard, violence was made a problem of the poor and marginalised. The discourse was conducive to the construction of a state that contrary to the intentions of the Peace Accords withdrew from the responsibility to provide protection to all citizens. In other words, in post-war El Salvador a state emerged which was not made to legitimately control violence. In a state in which the government did not seek to build a legitimate state monopoly on violence, violence remained dispersed.

In 2009 the leftist government of Mauricio Funes took power in El Salvador. For the first time in Salvadoran history the FMLN which had transformed from a guerrilla group to a political party won the elections. El Salvador became a

country governed by a party of the 'New Left', a term which is associated with the politics of left parties rising to power in several Latin American countries since 1998. Although quite diverse in their ideologies and policies, analysts articulated some commonalities of the New Left: it strived to replace the neoliberal policy of conservative governments and international financial institutions in the 1980s and 1990s with a new vision of the state. It envisaged a state which was responsive to societal needs and addressed social issues which concerned large parts of the population such as poverty and violence. In contrast to other left governments in the region which only reluctantly addressed security issues the FMLN developed a vision of citizen security that reflected the 'post-neoliberal' (Grugel and Riggirozzi, 2012) ideas of rapprochement between the state and non-elite parts of the society. This vision was stipulated in the FMLN's security policy programme, the so-called *Política Nacional de Justicia, Seguridad Pública y Convivencia* (National Policy of Justice, Public Security, and Living Together, PJSC) (Ministerio de Justicia y Seguridad Pública, 2010). The PJSC was a comprehensive, prevention-focused security policy developed by members of the FMLN, of NGOs, academia, community councils, the justice sector, and the police prior to the presidential elections in 2009 and was refined early during the term. The FMLN's security policy differed significantly from the repressive *mano dura* ('iron fist') approaches of previous right-wing Salvadoran governments as it aimed at increasing the ability of the state to protect citizens from violence. Approaching the issue of insecurity with a new vision of non-coercive state responses (as characterised above) was exceptional for a left government in the region, given that Latin America's New Left was slow in developing comprehensive alternatives to coercive policy responses to issues of insecurity. However, during the FMLN's first term in power, security policy makers made decisions which seriously hampered the implementation of the policy. The thesis seeks to explain ruptures in the realisation of the security policy with the power struggle between various state and social actors that shapes the process of security policy making; this is reflected in the ad hoc characteristics of the decision-making process.

To this end, the thesis analyses decision making in the security policy process by adopting a qualitatively oriented, singular case study design and conducting a policy study. The methodology draws on public policy research, researching

the field of security. Using the policy cycle model (Lasswell, 1956, Brewer, 1974, Jones, 1984, Anderson, 1984, Howlett et al., 2009) as a heuristic tool of policy research the thesis analyses the security policy under the FMLN government in El Salvador between 2009 and 2014. The research question is: *Why did institutional security reforms in El Salvador between 2009 and 2014 not result in a reduction of violence?* More concretely, the questions are: How did the FMLN government 2009-2014 respond to violence in El Salvador? Why was the FMLN government not able to implement its far-reaching and well-designed security plans? In order to answer the research questions, the policy study focuses on the process of political decision-making which, analytically, precedes the implementation of the security policy. Theorists of policy research have identified different decision-making modes that will be explored within the conceptual framework. *This study proposes the term 'ad hoc security decision making' to label short-term security decisions which are insufficiently implemented and easily reversed or replaced by other decisions. It argues that ad hoc decision-making occurs particularly when state and non-state actors strongly impact on decision-makers. In other words, ad hoc decision-making reflects the power struggles between state and other actors.* The empirical chapters explore the role of state and social actors in the security context. The idea of ad hoc decision making serves as the framework to interpret data about decision making in the Salvadoran security policy and to understand the power struggle between state and other actors at a specific stage of the policy process. This approach does not ignore the institutional structure of the state but it gives priority to the process dimension of statehood (as outlined above and conceptualised in detail in Chapter Three). Two arenas of decision making are analysed in detail: police and prison reforms. Based on the questions outlined above the thesis argues that:

1. Ad hoc decision making is a significant characteristic of policy processes in El Salvador. Ad hoc decision making illustrates that political, economic, and military elites are powerful enough to significantly alter policies of the official decision makers. This contestation of security policies is exemplified in the security policy process in El Salvador between 2009 and 2014.

2. The power struggle between security decision makers and other state and non-state actors, which is illustrated in the ad hoc decision-making process, undermined the development of stable democratic security institutions. Ultimately, the power struggles impeded the building of a state capable of legitimately centralising and controlling violence. This implies that the Salvadoran government failed to provide security for the majority of citizens.

The case study aims at gaining strong insights into security decision making under the Funes administration and chose semi-structured interviews as the main data collection method, supported by document analysis and field observation. Data was collected during three fieldwork trips between August 2011 and March 2013 which altogether lasted six months.

At the core of the analysis were official decision makers and the way decisions were made and impacted by other actors. These decision makers were identified through an incremental process of approaching potential interviewees working at the executive levels of state institutions and to a lesser extent of non-state organisations. Data was gathered from FMLN security experts, government officials, especially from the Security Ministry, members of the Legislative Assembly, police leadership, prison authorities, and business elites. However, in order to investigate the effects of decisions the research also reached out to interviewees affected by policy decisions such as prison staff, prisoners, gang members, community workers, and human rights lawyers. Additional knowledge was gathered through interviews with NGO workers, journalists, and academics. Altogether 61 interviews were conducted. Data was analysed by using NVivo software to organise interview responses, documents, and scripts from field observation. Materials were interpreted by articulating their fact-based and narrative content and by distinguishing between policy decisions and their effects (see Chapter Four).

The Salvadoran case study shows that the lack of security provision in a violence prone society cannot solely be comprehended on the basis of institutional reforms. It can also be explained through policy processes, especially through decision-making processes. The analysis of police and prison reforms in the timeframe from 2009-2014 demonstrates that policy

decisions of the government were impacted by the interests and power strategies of other state and non-state actors. This is reflected in the fact that decisions were often made ad hoc meaning that they were oriented towards short-term solutions, ignored long-term problems, and were frequently revised. As a consequence of the power struggles the establishment of democratically controlled security institutions failed. The case study shows that more attention needs to be paid to the official decision makers and those contesting the decisions within the societies affected by social violence. These decision makers are the ones who are responsible for drafting and implementing security policies against the resistance of powerful elites.

The analysis of police reforms between 2009 and 2014 firstly highlights conflicts within the political system. It shows that political elites from the Left and the Right instrumentalised political polarisation to maintain their power. This political polarisation fostered ad hoc decisions and impeded the realisation of police reforms. Secondly, the impact of actors which do not form part of the Salvadoran state played a role in the failure to realise reforms. Salvadoran business elites which are traditionally close to the conservative right-wing ARENA party developed different strategies for dealing with the FMLN rising to power and for securing their traditionally strong influence on economic politics. Where economic and security interests overlapped a majority of the business elite resisted government initiatives, and only a small part of the elite aligned their position with the government. However, in both instances activities of business elites undermined state efforts of security provision. Furthermore, representing the biggest bilateral donor and most important trade partner, the United States' (US) interests impacted on the security decision-making process of the FMLN government. The US influenced decision making concerning personnel changes at the Salvadoran security ministry which successively changed the course of police reforms. Finally, conflicts within the FMLN impacted on security decision making. Parts of the party especially from the orthodox wing disagreed with important security decisions made by representatives of the moderate wing. In addition, a second cleavage between the party base and President Funes further complicated decision making. The impact of these state and non-state actors on security policy decisions of the FMLN government and the ad hoc mode which shaped the decisions in this

context eventually impeded the realisation of plans for a professional and democratically controlled police.

The second specific arena examined in this thesis concerns the review of prison reforms. Herein it was found that youth gangs shaped the situation in Salvadoran prisons decisively and reforms of the prison system were closely connected to policy decisions of the government concerning the gangs. The analysis shows that government decisions concerning the prison system mainly followed a power struggle between the government and the gangs which developed around the truce between the two major Salvadoran gangs in 2012-2013. The truce was an attempt to establish a pact between the state and a group of potentially violent non-state actors which were not part of the elites. In the context of 'contested statehood' where powerful elites exert pressure on the official decision makers and where ad hoc decisions are characteristic for policy-making processes, the truce was a creative approach to reduce violence with non-coercive means. However, it failed because the ad hoc decisions made regarding the truce were not transformed into a sustainable long-term strategy which would have connected to other security issues like the prison system. Remaining in an ad hoc decision-making mode implied that decisions regarding the gangs were easily reversed and ultimately replaced by coercive responses. Whilst the government used the military as an instrument of power, the gangs used their influence on the homicide rate as leverage. With the end of the truce in 2013 the attempt of the gangs to use murders as leverage became futile and the homicide rate escalated. Likewise, the increased militarisation of public security was a futile effort of the government to contain gang violence. Reforms of the prison system had aimed at the humanisation of inmates and the professionalisation of prison management. However, they were impeded by the failure to bring about rapprochement between gangs and the government, as well as by the increased militarisation of the prison system. The study reveals that although non-elite organisations like the gangs were able to influence the policy process, they did not outweigh the power of state and non-state elites. The attempt to achieve an accommodation between state elites and non-state non-elites over violence control failed because no agreement was reached over the gangs giving up coercive power or transforming it into another

form of power. As a consequence, efforts to centralise violence and build a legitimate state monopoly on violence failed.

The study is organised in eleven chapters. Chapter Two offers a survey of the literature about the role of the state in security provision in the global South. The chapter shows that literature which defines security provision as statebuilding emphasised the institutional side of statehood and paid less attention to state practices or, in other words, to the process dimension of statehood. Thus, it ignored significant factors contributing to the failure of security provision in states that lack a legitimate monopoly on violence.

Chapter Three shows how this gap in knowledge about the relevance of the process dimension of statehood for the failure of security provision is filled. The chapter provides the conceptual framework of the study. It introduces the concept of 'contested statehood' and combines it with the idea that power struggles between state and social actors shape policy processes. Based on insights from public policy research the notion of ad hoc-ism is developed to characterise a decision-making mode which serves to illustrate the contestation of policy processes. The chapter establishes the claim that security policy processes which are shaped by power struggles undermine the development of democratic security institutions.

In Chapter Four the methodology and the concrete design of the case study are explained. Methods of data collection and analysis are presented and cultural, ethical, and practical aspects of the relationship between researcher and research participants and research environment respectively are explored.

Chapter Five explores the historical roots of the lack of a legitimate state monopoly on violence in El Salvador and traces its development until the end of the civil war (1980-1992). It links these roots to modes of struggle and accommodation between economic, military, and political elites as well as other social forces in the process of state formation in El Salvador in the nineteenth and twentieth century.

In Chapter Six the study traces the genesis of the FMLN as an insurgent group in the 1970s fighting against the rent based economy, and changing into a political party with the Peace Agreement and the transition to a democratic

political system in 1992. It highlights that in contrast to ARENA the FMLN did not build power to secure the rent economy but to change the political and economic order. It also shows its roots in large popular organisations consisting of peasants, students, unions, and churches. These aspects are the historic background which explains the FMLN forming an identity as a left party seeking to build a state which is responsive to the needs of those large parts of the population which are affected by poverty and violence.

Thereafter, security reforms after the Peace Agreement with a focus on police and criminal justice reforms are explored, revealing the gap between the effort to centralise and democratically control violence through institutional reforms and the failure of the state to provide security. Chapter Seven also discusses the literature about contemporary violence in El Salvador, showing that under post-war ARENA governments the combination of continued economic exclusion and coercive security approaches led to a reproduction rather than reduction of violence.

Chapter Eight traces the evolution of the security thinking of the FMLN as a political party. Having explored the roots and identity of the FMLN in Chapter Six, this chapter shows how a non-coercive security policy developed out of this identity as a left party prior to the Presidential elections in 2009. It highlights the lack of progress of security reforms by the end of the first term of the FMLN government which leads to the research question as to why security reforms under the FMLN government did not lead to a reduction of violence.

The following chapters answer this question with regard to the police, showing that the Salvadoran security policy process is marked by ad hoc decision making. Ad hoc decision making demonstrates that business elites, the US, and the political opposition were powerful enough to contest and alter the police reform process. As a consequence of this contestation, institutional development of the police was undermined (Chapter Nine). Thereafter, prison reforms and the relationship between the government and the gangs are analysed, showing that the pact between the government and the gangs was not sufficiently supported by state and non-state elites to last. The chapter demonstrates how the failed pact undermined institution building of the prison system (Chapter Ten).

The concluding chapter considers the implications of the study. If we aim to understand why security reforms in contexts of massive social violence fail, a look at the nature of security institutions gives an incomplete answer. Scholars and policy makers need to broaden their perspective and pay attention those decision makers who are responsible for drafting and implementing security policies in the affected societies and to those powerful actors impacting on the official decision makers. The fact that in societies which lack a legitimate monopoly on violence, security policy decisions are contested and made ad hoc requires a revision of the possibilities of approaching security reforms in such a specific context. Thinking about security reforms needs to incorporate more critical thinking about security practices, in particular about the process of making and implementing security decisions.

2. The state and security provision in the global South

2.1 Introduction

This research explores the provision of intrastate security and the question how states in the global South do or do not provide security for their citizens and protect them from physical violence. Security studies are a broad academic field comprising of multiple approaches and perspectives. Among them, the literature considered most relevant for this research can be grouped in three sets: literature which understands security provision as statebuilding; literature which introduces critical perspectives on security provision; and literature which deals with security provision in contexts of 'limited statehood' in which central authorities lack the ability to enforce decisions. All three sets of literature are interwoven and build on each other. Each strand is discussed below and it is shown that while all three fields are relevant for this research the particular contribution of the thesis lies within the third area, namely security provision in contexts of 'limited statehood'. Special attention is also paid to Latin American security concepts since they provide the necessary insight in regional and local conceptualisations and research agendas.

This thesis explores the interplay between state and social actors in the security realm but focuses particularly on the role of the state. Therefore, the previous three sections are complemented by a fourth part which surveys the literature on state formation in Latin America. The research focuses on the protection of citizens against the threat of physical violence. In this regard, the discussion of the state formation literature explores how state formation processes are connected to contemporary and historical forms of violence in Latin America.

The chapter reveals that approaches of security provision as they are conceived in the statebuilding literature failed to resolve forms of violence reproduction due to the tendency to focus merely on institutional aspects of security provision (Section 2.2). The narrow perspective of state responses to security threats through institutional reforms was criticised by scholars of critical security studies. The Paris School, a strand within critical security studies, proposed a stronger consideration of security practices. It argued that security can only be comprehended if it is placed in a spatial and temporal context and if it relates to specific behaviour (Section 2.3). The conceptual framework developed in

Chapter Three builds on these epistemological assumptions, arguing that the best way to explore security practices is to explore security decision making of political actors and the implementation of these decisions. However, the Paris School centred on European societies and does not add to our understanding of security provision in countries of the global South. The concepts of 'limited statehood' and 'hybrid political orders' (Section 2.4) as well as the literature on state formation in Latin America (Section 2.5) highlighted the importance of comprehending states in the global South not as deviation from Western ideal-type models but as existing realities with specific characteristics which shape the way states interact with society. However, the approach of 'limited statehood' does not overcome the notion of deficiency in its definition of statehood and thereby adheres to an ideal-type model of statehood. This deficiency is addressed by the concept of 'hybrid political orders' but this concept was developed referring to the South Pacific region and is not transferable to Latin American states. This becomes clear with a look at the literature on Latin American state formation processes which underscores the persistence of violent non-state actors undermining a legitimate state monopoly on violence in many states of Latin America. Building on insights from and gaps in these sets of literature, the chapter poses the question what conceptual framework is needed for the thesis to explain failed security provision in violent-prone societies of the global South. It concludes that the conceptual framework firstly, needs to allow for a focus on the analysis of security practices in contexts of dispersed violence and secondly, needs to conceptualise the interaction between state and social actors who have the power to use violence.

2.2 Security provision as statebuilding

The scholarly discussion of statebuilding has been widely associated with the discussion of state failure and the assumption that a number of states in the global South have deficiencies which can be fixed. Since Robert Jackson's (1993) publication on quasi-states and Helman and Ratner's (1992-1993) article on failed states numerous works have yielded terms like weak states, fragile states, failed states and collapsed states (e.g. Zartman, 1995, Crocker, 2003,

Rotberg, 2003, Fukuyama, 2004). Weak or fragile states is a concept that describes states in which:

> central government has a poor capacity to control public order within its territory, is unable to consistently control its borders, cannot reliably maintain viable public institutions or services, and is vulnerable to extra-constitutional domestic challenges. Indications of this condition can be found in poor levels of economic performance, human welfare, economic distribution, and levels of con ict. State failure suggests that the government – if one exists – is completely unable to maintain public services, institutions, or authority, and that central control over territory does not exist (Newman, 2009: 422).

The concept of weak and failed states became especially popular after the 9/11 attacks and the US 'war on terror' as a response to the attacks. The perception of weak and failed states as a security threat was also integrated into the work of the United Nations (UN) (2004). Statebuilding emerged as a response by the United Nations and other international organisations as well as national donors to weak and failed states. Weak and failed states were no longer just regarded as humanitarian issues but as providing the backing for terrorists posing a danger to the national security of other states, first and foremost the United States (US). Failed states were believed to nurture the so-called 'new threats' like terrorism and organised crime. Scholars of statebuilding argued that weakly institutionalised states need to be strengthened in order to stabilise the international system and to protect people in these countries which are usually in the global South (Paris, 2004, Chesterman et al., 2005, Ghani and Lockhart, 2008, Call and Wyeth, 2008). According to these scholars, states need to be modernised meaning that they need to become governance entities which function under liberal, democratic norms. In this sense, modern statehood usually refers to Weber's theory of the state that builds on state formation processes in Europe.[2] While its characteristics are debated continually in state

[2] Weber identified territorial sovereignty, the monopoly of violence, impartial bureaucratic structures, and public institutions as key characteristics of the modern state; these variables form what scholars call the Weberian ideal-type state (Weber, 1922, Leftwich, 2011).

formation theory, the notion of the ideal-type state is still the dominant normative assumption that underpins statebuilding activities and is widely shared among liberal-democratic policy circles in the global North (Bliesemann de Guevara, 2012).

Criticism regarding the concepts of statebuilding and weak or failed states commonly evolved around the Western centrism of these ideas. It called into question the universal validity of the Weberian ideal-type state as the foundation of statebuilding. As scholars argued, by exporting statebuilding models that are based on culturally and historically bound norms non-Western states resemble phantom states because they bypass domestic political processes (Chandler, 2006, Bickerton, 2009). Chandler (2006) contended that interventionist approaches like statebuilding undermined the legitimacy of domestic democratic institutions because political processes of electing representatives responsible for policy making were increasingly shaped by the interests of Western states transmitted through development organisations. Richmond (2014) argued that statebuilding failed to incorporate local agency. It ignored that overcoming the reproduction of structural violence required considering local dynamics which could contribute to peace and stability. Following these critiques of statebuilding the analysis of intrastate security provision in a given state of the global South needs to comprise more than an examination of progress and setbacks of externally driven statebuilding efforts. It needs to take into consideration local policy-making modes. This requires an understanding of local conceptualisations of security and statehood as well as a look at processes of state formation that explain specific characteristics of the state in question.

Others argued that statebuilding initiatives place emphasis on building formal state institutions and ignore that even in collapsed states governance can function on a local and regional level, implying that there are institutionalised modes of coordination which are not bound to a central government (Menkhaus, 2006). Indeed, as the definition of weak and failed states above shows, state weakness and state failure is conceived as institutional deficiency and institutional collapse respectively. Thus, statebuilding is invariably an institutionalist approach to statehood as Lemay-Hébert (2013: 4) underscored. Lemay-Hébert related this institutionalism back to Weberian understandings of

statehood. In this sense, Lemay-Hébert (ibid.) wrote 'statebuilding is the creation of new government institutions and the strengthening of existing ones.' On this basis statebuilding equals institution building.[3]

In the context of statebuilding Lemay-Hébert (2009) argued that the strong emphasis on the institutional part of statehood impedes a closer look at another dimension. In his view socio-political cohesion in the tradition of Durkheimian sociology is the perspective that needs to be added to the discussion about statebuilding. He referred to the works of Buzan (1992) and Holsti (1996) and their notion of an 'idea of the state' that is the necessary third element of statehood besides institutions and territorial sovereignty. Here, the idea of the state means the 'implicit social contract and ideological consensus pertaining in a given society' (Lemay-Hébert, 2009: 24). In other words, there needs to be some degree of established social consensus on what a state is if state institutions are to work. Based on this, Lemay-Hébert elaborated on the importance of legitimacy in statebuilding. This thesis contends that besides the territory, institutions and a shared idea of the state, a fourth dimension of statehood exists which is state practices. This argument is further developed below drawing on the approach of the Paris School of critical security studies.

The link between statebuilding and the perception of new threats underscores the close connection between statebuilding activities and security. Some scholars argued that it is the security interests of the global North which created the motivation to address the problem of weak states in the global South (Boas

[3] Institution building is a term frequently used by multilateral organisations like the World Bank and by development scholarship since the 1990s. It describes the attempt to use insights from researchers of new institutionalism for building and modifying institutions in the global South. New institutionalism emerged in the 1980s and shifted focus from institutions as organisational structures (old institutionalism) to comprehending institutions as rules and norms (Rakner and Randall, 2014: 45). Douglass North was one of the pioneers of institutional economics, a strand of new institutionalist theories. He defined institutions as 'the rules of the game in society, or, more formally, the humanly devised constraints that shape human interaction.' (North, 1990: 3). Although some critics warned against unintended consequences of institution building and for the need to consider specific interests in a given political context (Bastian and Luckham, 2003), this form of institution building was supported by development organisations after regime changes to democracy and in post-conflict contexts (Rakner and Randall, 2014: 45). With new institutionalism, research grew about the persistence of informal institutions in formally democratised political systems. With a particular focus on Latin American political systems, Helmke and Levitsky (2006) defined informal institutions as the unwritten, socially shared rules which are communicated outside official channels. The concept of informal institutions shares some features with the approach of state practices promoted in this thesis. In fact, North's institutionalist model of explaining persistence and change of social orders is useful for explaining historical economic developments in El Salvador and is discussed in the theory chapter (3.2). However, it is argued that other than institutional dimensions of statehood complement and enhance our understanding of state activities.

and Jennings, 2005, Chandler, 2006, Duffield, 2007). However, statebuilding activities often take place in the security sector of countries in the global South. They are inextricably linked to security issues in these countries. Security sector reforms (SSR) developed as a concept parallel to statebuilding, and it shares the same normative assumptions as statebuilding (Jackson, 2011, Chappuis and Hänggi, 2013). Both concepts aim at fixing conflict-prone, war-torn societies and failed or weak states by building liberal, democratic states.

The concept of SSR emerged in the 1990s and gained particular attention in the development policy sphere (OECD/DAC, 2001, DFID, 2002). SSR aims at creating a functioning security system with democratic and accountable actors (Brzoska, 2000, Chanaa, 2002, Wulf, 2004, Hänggi and Bryden, 2005, Sedra, 2010a, Sedra, 2010b). Thereby it should minimise the risk of conflict and open a space for development. It focuses on a wide range of actors on the executive and legislative level and includes statutory as well as non-statutory security forces. SSR places the transformation of institutional structures at the centre of the reform process: Authoritarian and non-transparent structures, for example, should be changed by removing personnel and by separating the role of the military and police; human rights violations by security forces ought to be prevented or minimised by introducing new codes of conduct, establishing oversight bodies and changing the training programme. Reforms and capacity-building within the security institutions are described as:

> a process of professionalization aimed at increasing operational effectiveness, rationalizing bureaucratic structures, eliminating corruption, and institutionalising international standards (Sedra, 2010b: 4).

SSR shares much of the criticism expressed about statebuilding. It is often donor-driven and has been criticised for a lack of contextual understanding of the socio-political and economic environment of the countries in which it ought to be implemented (Egnell/Halden 2009). SSR is also criticised for focusing primarily on state institutions and, while the concept acknowledges the principle of local ownership, it is argued that safety at the level of local communities is disregarded (Gordon, 2014). SSR claims to be based on good governance principles; and some authors tried to strengthen its governance orientation by

introducing the term security governance (Krahmann, 2003, Hänggi and Bryden, 2005, Wood and Dupont, 2006, Chappuis and Hänggi, 2013). There is no clear definition of security governance; the focus of most works is on governance with security being considered a particular objective or a public good that is being promoted by institutions (Wood and Dupont, 2006: 2). In the context of security governance, governance is defined as:

> the structures and processes which enable a set of public and private actors to coordinate their independent needs and interests *through the making and implementation of binding policy decisions* in the absence of a central political authority (Krahmann, 2003: 11, emphasis added).

Despite this claim to include security policy-making processes, SSR remained strongly oriented towards the building of formal state institutions (Peake et al., 2008). On the one hand, analysts noticed a wide gap between the model and reform practices. In particular, reforms of the police and military forces received considerable attention while less institution-centred aspects which the concept tried to contain (like empowering civil society actors in the security sector) remained largely unattended (Ball and Hendrickson, 2006: 2, Sedra, 2010b: 20). Among other problems, the strong focus on state security institutions is considered one of the main reasons why SSR efforts had limited impact (Ball and Hendrickson, 2006, Peake et al., 2008). On the other hand, the analysis of policy making in the statebuilding and SSR literature concentrated on policy processes within the international community and/or the relationship between international and domestic actors (e.g. von Einsiedel, 2005, Peake et al., 2008, Willems, 2015). This thesis pays special attention to the political situation in which a state engages with security provision. It focuses particularly on El Salvador and the Salvadoran society which does not imply that international and regional influences are ignored. In fact, El Salvador was one of the first countries in which post-war security reforms took place that gained extensive international support (Chapter Seven). However, the situation in El Salvador provides the focal point for the empirical analysis of security provision. It looks at security practices in the form of security policy decisions made and implemented in a specific historical, social and economic context. The link

between the notion of security practices and security policy processes is explored in the conceptual chapter (Chapter Three).

The concepts of Security Sector Reform and security governance deal with the protection of society (as opposed to realist approaches of security as national security), but they do so with a focus on state institution building. Importantly, in Latin America the change from the state as the key subject of security towards the provision of security for citizens began with the introduction of the concept of democratic security and was further developed with the idea of citizen security. The rise of democratic security is outlined in the following paragraph and the concept of citizen security is addressed in the following section.

Democratic security is a concept developed by political and intellectual elites during the late 1980s to replace the National Security Doctrine (NSD) which was the dominant security model of Latin American dictatorial regimes from the 1960s through the 1980s. Against the background of the Cold War, the National Security Doctrine was an ideology that understood Latin American guerrilla movements as communist threats to state orders (Pion-Berlin, 1989, Leal Buitrago, 2003, Tickner and Herz, 2012, Tickner, 2016). This ideology was influenced by French and US counterinsurgency strategies. Therefore, it did not only justify the large-scale involvement of the military in politics but placed the military beyond civilian rule as a 'caretaker of the 'state' and 'nation'' (Tickner, 2016: 69). In the name of NSD it was proclaimed that individual security had to be sacrificed for the larger good of national security. Especially in the Southern Cone but also in other countries of the region NSD ideology was linked with economic and social development and yielded the state model of bureaucratic authoritarianism (Tickner, 2016). According to this model public order was a necessary precondition for economic growth, modernisation, and industrialisation.[4] Hence, statehood was closely connected with security and development but in a repressive, authoritarian form. This nationalised, militarised comprehension of security led to large-scale state terrorism in many Latin American societies, although Koonings and Kruijt (1999: 10) argued that the arbitrariness and day-to-day practices of state-sponsored violence was beyond any doctrinal justification.

[4] For the concept of bureaucratic authoritarianism see, for example, O'Donnell (1988) and Colliers (1979).

Democratic security, in turn, was claimed to be aimed primarily at the well-being of the society and its members which would have required a democratic, institutional state (Arévalo de León, 1999). The concept gained significance in the light of the peace processes in Central America in the early 1990s and the transition to democracy in South American countries. It represented the effort of Latin American scholars and policy makers to develop security and defence policies that removed the military from the political sphere and placed it under civilian control (Tickner, 2016: 70). Several Latin American scholars addressed this process from various perspectives and in various countries; important topics were, for example, the development of a new role for the military within regional cooperation frameworks (e.g. Diamint, 2001, Herz, 2010), civil-military relations (e.g. Rojas Aravena, 1998), and democratic consolidation (e.g. Dominguez, 1998). Democratic security found its way into policy documents like the Framework Treaty of Democratic Security in Central America of 1995 (CSC, 1995). In this policy document regional cooperation to maintain and consolidate democracy is emphasised which points to the conceptual change away from national security to regional security (Arceneaux and Pion-Berlin, 2005).[5] The agreement called for closer collaboration between the countries with regard to security matters, the elaboration of a legal framework of police and military functions in the region, better arms control and containment of arms trafficking (CSC, 1995, Sereseres, 1998: 218-219). It also initiated the creation of the Central American Security Commission (consisting of the vice ministers of external relations, defence, public security, and governance of each country) whose responsibility it became to keep the collaboration going. The treaty is the foundation of today's Central American Integration System (SICA), the key organisation for regional security cooperation on an intergovernmental level. However, Sereseres (1998: 220-221) attested to governments of the region a reluctance in developing security doctrines, institutions, and policies. Despite the important turn from national to regional security, Arévalo de León (1999) saw the limits of the concept in its vagueness which did hinder the development of specific mechanisms of security provision. Ultimately democratic security did

[5] In Colombia, the concept was adopted by President Uribe in 2003 as a comprehensive state security strategy to combat the Revolutionary Armed Forces of Colombia (FARC, for its acronyms in Spanish). While the Uribe Administration claimed that the strategy had helped reducing homicides and kidnappings committed by the FARC, the strategy was criticised for fostering anti-insurgent paramilitary forces and for excessively expanding military power (International Crisis Group, 2003).

not permeate security policy making of the countries in the region, not least because national policies were not differentiated enough to meet the ambitious agenda of democratic security, Arévalo de León argued.

2.3 Critical security studies and citizen security

A number of scholars, among them some of which criticised the previously outlined approaches that were summarised under security provision as statebuilding, elaborated on security thinking with a shift away from the state to the individual. Epistemologically, these approaches can be located in critical security studies. In their edited book *Critical security studies: Concepts and cases*, Krause and Williams intended to open up the thinking of traditional security studies by questioning the referent object of security and asking who or what is to be secured (Krause and Williams, 1997: ix). They invited scholars and policy makers to rethink security from the perspective of human beings. They argued that it is people's ideas, needs, and values that constitute the lifeworld or environment where people live and that, therefore, understandings of security in people's environment needs to consider these ideas and needs (Mutimer, 2010: 89). In this regard, what constitutes security depends on what is perceived as threat and by whom. This led to a broadening of security studies and the inclusion of threats like food insecurity, environmental disasters, and poverty. Since Krause and Williams' publication, the field of critical security studies has expanded into various strands and schools. Three schools developed within critical security studies, Copenhagen School, Aberystwyth or Welsh School, and Paris School. However, there are many scholars of security taking a critical stance that do not fit one of these schools (Peoples and Vaughan-Williams, 2015: 10). Therefore, critical security studies are sometimes mapped according to intellectual strands such as securitisation theory, emancipatory security studies, feminist security studies, human security, post-structuralist security studies, or, most recently, resilience and security (e.g. Shepherd, 2013, Dunn Cavelty et al., 2015).

One of these approaches is the Paris School that evolved around Huysmans (2006), Bigo (2008), Balzacq (2010) and others. This line of thinking argued for an interdisciplinary approach to security and underscored the contribution the

field of international political sociology has to make to security studies (Bigo, 2008, Balzacq et al., 2010). In particular, it considered security as a process of (in)securitisation, drawing on Wæver's (1995) securitisation theory and the claim that security is a matter of discursive practices (Copenhagen School). The Paris School, influenced by the practice theory developed by French sociologists ranging from Bourdieu to Foucault, contended that the focus on discursive practices is too narrow and needs to include everyday practices. In order to understand how security operates, scholars need to examine the effects of discourses as well as 'the conditions of possibility of security practices', Balzacq et al. argued (2010). Practices are:

> a routinized type of behaviour which consists of several elements, interconnected to one another: forms of bodily activities, forms of mental activities, 'things' and their use, a background knowledge in the form of understanding and know-how, states of emotion and motivational knowledge (Reckwitz, 2002).

In this context, Balzacq et al argued, security is the result of a process of (in)securitisation, which means it emanates as a *dispositif* 'mainly, but not only, from a specific field of professionals'.[6]

In this sense, the concept strengthened the need for empirical research as the study of specific security practices (Bigo, 2008: 122-123). This thesis draws on these ideas for the conceptual framework to empirically investigate practices of security, using the notion of practices of political sociologist Joel Migdal whose concept was influenced by Foucault's thinking (see Chapter 3.2.1 for details). However, empirical research of the Paris School clearly focused on Western societies (e.g. Huysmans, 2006) which is why no attention was paid to the peculiarities of security provision in the global South or more concretely in Latin America.

[6] *Dispositif* is a term coined by Foucault, it describes 'a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid. The dispositif itself is the system of relations that can be established between these elements.' (Foucault, 1980: 194).

While the literature about specific security issues in Latin America is abundant, concepts that do address security in Latin America from a critical perspective are rare. The most widely used notion is that of citizen security. Like democratic security the term citizen security emerged in the 1990s. This was also partially rooted in a scholarly search for an alternative to the repressive security understanding of the military dictatorships and repressive regimes as Pontón (2007) pointed out. However, debates about citizen security are more seen as a reaction to the apparent failure of many Latin American states to provide security for its citizens in the newly established democracies (Neild, 1999). With the growing awareness of the magnitude of the problem of violent crime citizen security became the dominant discourse that described the vulnerability of citizens to the threat of violent crime and possible efforts to contain it (Frühling et al., 2003, Ungar, 2007, Ungar, 2011, Goldstein, 2016: 140). In this regard, the Organization of American States (OAS) defined citizen security as the absence of the threat of violence and crime (Interamerican Commission on Human Rights, 2009: 7). The exclusive focus on threats posed by criminality was criticised by Goldstein (2016) who argued that the concept was used by governments to justify authoritarian and violent responses, as well as to undermine civil and human rights. Sometimes the term is used as a synonym to 'public security' (Chinchilla, 2001, González, 2003) which emphasises the responsibility of the state to create security for citizens. However, as Luckham and Kirk (2012) noted the responsibility of states to provide protection is just one side of security provision. Beyond that security is also an entitlement of citizens. This complex relationship between state and society in the case of security deserves more attention. As described above, efforts to reform state security institutions had limited success. This led some authors to advocate for more attention being paid to security as an entitlement of citizens.

Abello Colak and Pearce (2009, 2015) suggested 'security from below' which envisages people-centred but publicly delivered security. According to these authors security from below means enhancing the capacity of people in their communities to 'define collectively the values and norms that should inform state provision' (Abello Colak and Pearce, 2009: 17). Their research is based on experiences in Medellín, Colombia. Another example is the notion of 'participatory security' suggested by Marquardt (2012), which is based on field

research in Peru. Whilst the work of these and other authors drew attention to the citizens' perspective on security issues, this thesis focuses on decision-making processes of political actors. This is an important yet scholarly neglected dimension because it addresses the deficiencies of Latin American states in security provision through the lens of policy making. It will add a new perspective on understanding security provision, besides state institution building and community-based approaches. This new perspective goes beyond exploring the shortcoming of security provision. Instead, it seeks to explain the latter with the behaviour of political decision makers.

Advocates of citizen security interpreted the concept as a right of citizens to a safe and secure life, as Goldstein (2016: 141) observed. Citizen security as the right of citizens to protection was adopted by think tanks (e.g. Latin American Faculty of Social Sciences, FLACSO; Washington Office on Latin America, WOLA) as well as international organisations and donors (Inter-American Development Bank, IDB; United Nations Development Programme UNDP; OAS; World Bank). In other words, citizen security became a policy goal. As several authors noted there is no consensus as to what exactly citizen security comprises of (González, 2003, Alda and Beliz, 2007, Muggah and Aguirre, 2013). However, the way the concept is used in the policy (and the academic) sphere suggests a number of principles which serve as a basic consensus. Key aspects are the focus on prevention, local communities, and decentralisation; citizen participation in security governance; the inclusion of inequality and development issues in security plans; and strengthening democratic institutions (especially the police and judiciary system).[7] These principles are not only opposed to the militarised approaches of dictatorial regimes, they also contrast with the punitive approaches applied by governments in Central America, Mexico, and Colombia since the 1990s.

The policy orientation of the term is not unproblematic. As Tickner and Herz (2012) argued, security analysis in the region is often produced in order to be translated into public policy decisions. It does not illustrate larger theoretical issues and misses comparisons with other parts of the world. In addition,

[7] It should be noted that US-sponsored citizen security activities comprise a much broader definition of the term than that of international organisations. This includes, for example, counter-narcotic efforts, and as such, includes measures like the provision of military equipment (Muggah and Aguirre, 2013).

Tickner and Herz criticised that the literature is often suggestive to policy makers and uses prescriptive language. This observation also applies to citizen security. When the term emerged in the 1990s, it had some potential to become a concept that would help clarify the nature of security provision in Latin America. However, with the adoption of the concept by donors, it turned into a policy agenda. This limits the concept's use as analytical framework for understanding the political problems of security provision. Therefore, the theoretical and methodological framework of this thesis is based on different approaches which stand out to be more suitable. Namely Migdal's state-in-society approach which serves to set out the complex relationship between state and society in the realm of security provision, as well as insights from public policy research which provide the methodology for the analysis. However, citizen security is still relevant for this thesis. It was used as the basic normative orientation for the first Salvadoran FMLN government to develop a security policy. Therefore, the key policy goals of the concept serve as the template against which the FMLN's security policy is analysed.

In sum, the approaches examined in this section question the state as referent object of security and brought to attention a change of perspective towards individuals and communities. However, these approaches pay less attention to what constitutes a state. Especially where states fail to provide security, a clearer concept of statehood in the global South and particularly in Latin America adds to the understanding of the quality of security provision.

2.4 Security provision in contexts of 'limited statehood'

A number of scholars who acknowledged the limits of the statebuilding model began to develop concepts that would describe statehood in countries of the global South. In the last decade, two concepts emerged that provide an interesting theoretical starting point for this research, namely 'governance in areas of limited statehood' and 'hybrid political orders'.

'Governance in areas of limited statehood' is a concept developed by Risse and colleagues (Risse and Lehmkuhl, 2006, Risse and Boerzel, 2010, Risse, 2011). Their lead research question was how areas of limited statehood are governed.

They defined statehood as ‘institutionalised rule structure with the ability to rule authoritatively […] and to legitimately control the means of violence’ (Risse, 2011: 4). Based on this definition, areas of limited statehood are parts of countries in which central authorities lack the ability to ‘enforce rules and decisions or in which the legitimate monopoly over the means of violence is lacking’ (ibid.). These parts of a country are not necessarily defined territorially; they can also refer to specific policy areas or parts of the population. To approach the main research question, Risse adopted a governance perspective by defining political governance as ‘institutionalised modes of social coordination to produce and implement […] rules, or to provide collective goods.’ (Risse, 2011: 9). This definition follows that of theorists of governance who emphasised that modes of governing, steering, and social organisation in society are not bound to a government but involve multiple public and private actors (Mayntz and Scharpf, 1995).[8] According to this definition governance has a structural (‘institutionalised’) and a process dimension (‘modes of social coordination’). Central features of the institutionalised structural dimension of governance in Western states are democracy, rule of law, security, and the provision of public services. In areas of limited statehood, these governance services are often absent, and research needs to focus on ‘functioning equivalents to modern statehood’, Risse (2011: 10) argued. The process dimension implies a focus on the role of (multiple) actors as well as on hierarchical and non-hierarchical ‘modes of steering’. This includes a look at the interplay of state and non-state actors and how they ‘govern’ in areas of limited statehood. By hierarchical modes of steering, Risse referred to top-down modes of social coordination, while non-hierarchical modes of steering describe horizontal modes of coordination with non-state actors such as bargaining, negotiations or ‘benchmarking’. According to Risse and his colleagues non-hierarchical modes of steering are common in areas of limited statehood. This conceptualisation has been further elaborated by a range of scholars (e.g. Müller, 2012a). However, this thesis argues that the description of governance processes as modes of social coordination is one-sided and misses the fact that the interplay between state and non-state actors can also be characterised as competition or contestation. This thesis speaks of power struggles between

[8] Governance as a term is used and interpreted differently by various strands of research, see for instance the overview by Benz and Dose (2010). Risse’s interpretation adheres to governance in policy research.

multiple state and non-state actors which shape state responses to violence (this idea is further developed in the theoretical discussion in Chapter Three).

Based on Risse's concept, this thesis argues that security provision has both an institutionalised structural dimension and a process dimension. As the above review of the literature of security-as-statebuilding showed, the institutional dimension of security provision received much attention from scholars and practitioners alike. While this thesis acknowledges the importance of institutional conditions for security provision, it spots a gap in understanding the process dimension of security provision, that is, in understanding modes of coordination or contestation between state and non-state actors. This research begins to fill this gap by conducting a security policy study (the approach is explained in the following theoretical discussion). This research also seeks to understand how state and social actors in the security realm are related to each other and how their interplay in the process of security policy-making impacts on the institutional side of security provision. In other words, it is interested in the effects of security policy-making on security sector reforms.[9]

Limits in Risse's concept can be seen in the reproduction of the notion of deficiency with regard to statehood in non-Western countries. Risse acknowledged this limitation in so far as he used 'limited statehood' as the definitional starting point and placed the emphasis of research on governance. By doing so, he attempted to overcome the heavy focus on institutional development of other statebuilding approaches. However, the notion of deficiency remained a central aspect of the concept. For the conceptual framework of this research it poses the question of how to conceptualise statehood avoiding the notion of deficiency and emphasising that interaction between multiple state and social actors is often contested.

The concept of 'hybrid political orders' addressed the problem of defining statehood in the global South from a non-deficiency perspective in a different manner. This approach is located in political sociology with theoretical roots in state formation theory. It originated from research on the political orders of South Pacific countries by the Australian Centre for Peace and Conflict Studies

[9] Although written as a policy paper, I owe some of my initial ideas about security policy making to Bastian and Hendrickson (2008).

(Clements et al., 2007, Boege et al., 2008, Boege et al., 2009). The concept of hybrid political orders suggested that concentrating on existing realities of statehood is more constructive than looking at the deficiencies of states and elaborating their shortcomings against the background of the Weberian norms of statehood (Kraushaar and Lambach, 2009). Hybrid political orders are a combination of societal and state structures and can be found in:

> […] places, in which diverse and competing claims to power and logics of order co-exist, overlap and intertwine, namely the logic of the 'formal' state, of traditional 'informal' societal order, and of globalisation and associated social fragmentation […]. In such an environment, the 'state' does not have a privileged position as the political framework that provides security, welfare and representation; it has to share authority, legitimacy and capacity with other structures (Boege et al., 2008: 24).

The approach is interdisciplinary and as such informed by insights from the fields of anthropology, history, and state formation theory. The explicit rejection of an ideal-type state model was inspired by previously developed approaches from different disciplines such as neopatrimonialism, clientelism, informal institutions, legal pluralism, and para-statehood. The particular value of the concept was seen according to Kraushaar and Lambach (2009) in its openness to various forms of governance that do not automatically assume the state as the superior form. Critics argued that there is little added value in the notion of hybridity since states and political orders are always a mixture of specific historical developments and various internal and external influences (von Trotha, 2009, Roberts, 2013). Hoffmann (2009) objected to the use of the term 'orders' in the context of hybrid state models when it is not clear what kind of order is being described or whether 'disorder' would be the more adequate term.

The strength of the concept lies in the serious effort to conceptualise statehood in countries of the global South through an epistemological shift from deficient statehood to the strengths and potentials of hybrid statehood. However, this brings along some conceptual difficulties, especially in the security realm.

Boege and colleagues (2009) contended that besides civil society actors who complement state institutions, non-state actors are usually considered as spoilers that contest state authority. They argued that non-state security actors like chiefs and religious figures can effectively contribute to statebuilding and development. This argument appears controversial. Ultimately Boege et al. claimed that there are desirable and despicable non-state security actors, for instance 'peaceful' clan leaders vs warlords, and that the desirable actors should be strengthened. However, this requires a normative consensus on the distinction between 'good' and 'bad' security actors. The concept did not articulate on what norms such a distinction is to be based but remained vague in this regard. In addition, in most Latin American countries such an approach remains problematic since the range of non-state security actors often comprises of gang leaders, organised criminal networks, and private security providers that create insecurity, reproduce violence, and exclude large parts of the population from security provision. Indeed, empirical research on hybrid political orders concentrated on the South Pacific region, and findings are not transferable to Latin American issues of security and statehood.

2.5 The state in Latin America: reproducing violence or providing security?

As demonstrated above, there are limits regarding the concept of hybrid political order, specifically considering scholars claims for a more effective contribution of non-state security actors to statebuilding and development. This is the case in particularly when looking at most Latin American cases.[10] However, the concept is beneficial to this research in two aspects: firstly, the idea of hybrid political orders was not built around the question of the state monopoly of violence and secondly, it called for exploring the realities of existing statehood through the incorporation of state formation processes in the analysis. A look at the literature about state formation in Latin America reveals that in many cases violence and the state were inextricably linked since the emergence of states *and* these links endured until the present time. Inspired by Tilly's grand theory

[10] Similarly, the term 'plural security' was suggested to describe a system of security provision by non-state and state actors alike at various places in Africa and the Middle East (e.g. Belhadj et al., 2015).

about state formation processes in Western Europe, Latin American scholars sought to understand the connection between wars and state formation (Tilly, 1975, 1985, 1992). In contrast to Tilly's findings for Western Europe they concluded that warfare and violent conflict did not accelerate statebuilding processes. López-Alves analysed statebuilding processes in Uruguay, Argentina, and Colombia by determining the impact of war on the development of armies and political parties. Similarly, Centeno (2002a, 2002b) looked at the impact of war on the formation of states. He maintained that Latin American wars were not as comprehensive as European wars in the sense that they did not require equally large mobilisation of people into armies nor did they require an equally large collection of revenues. Thus, due to the limited coercive and extractive capacity of states, power was not centralised enough to stave off recurrent internal violent conflicts and rivalries.[11] Thies (2005, 2006) and Soifer and Saylor (2008) discussed how inter- and intrastate wars and threats shaped Latin American states. While they had different views about the role of international threats for the formation of states, they found that internal conflict, in some (but not all) cases, had weakened state capacity. Analysing 'public violence and state formation' in Central America, Holden (1996, 2004) argued that Central American states are:

> improvisational states, whose defining characteristic was the continuous need to improvise its coercive authority by bargaining with […] armed bands of various kinds […] (Holden, 2004: 5).

These and other studies underscored the persistence of violent intrastate conflict beyond early state formation processes in the nineteenth century as well as the persistence of a variety of potentially or actually violent actors who continuously contested efforts of the state to centralise coercive means. Much has been written about state-sponsored and revolutionary violence under Latin America's authoritarian regimes in the second half of the twentieth century as well as about the more diffuse appearances of violence since the democratic

[11] State capacity is a term coined by Tilly referring to the 'degree of control state agents exercise over persons, activities, and resources within their government's territorial jurisdiction' (McAdam et al., 2001). While the term was initially related to the capacities of the state to raise revenues, its use was extended by Tilly and other historical sociologists to other competences like military capacity or the capacity to manage economic processes.

transitions. Reviewing this enormous amount of literature would be beyond the scope of this project.[12] Particularly interesting, however, is the shift of scholarly attention from political violence to social violence and the debate about how to characterise contemporary violence. A vast literature focused on violence as part of revolutionary wars and counter-insurgency campaigns of dictatorial regimes, often from the perspective of political science (e.g. McClintock, 1998, Johnson et al., 2013). After the transition periods violence continued but seemed no longer linked to the state as perpetrator and suppressor. With the emergence of more diffused types of violence, research shifted towards more anthropological approaches and looked at the experience of violence in day-to-day life of individuals and social groups, criticising the deficiencies of the newly democratised states from a citizenship perspective (e.g. Caldeira and Holston, 1999, Méndez et al., 1999, Savenije and Van der Borgh, 2004). The framing of violence that underpinned this type of research has been characterised as de-politicised or social violence (e.g. Koonings and Kruijt, 1999).

Scholars argued that the distinction between political and social violence was not useful since it ignored the role of the state and policy makers in perpetuating violence. For instance, Rotker (2002) contended that contemporary violence was similar to civil war violence and could be interpreted as rebellion albeit in a less organised and purposeful way. Moser and McIlwaine (2004) showed how political, social, and economic expressions of violence were interlinked and continued to penetrate urban life in Colombia and Guatemala. Indeed, the literature about state formation in Latin America showed that these processes were inextricably linked to violence and that violence still represents a feature of the state while at the same time many Latin American states did not monopolise violence. Building on these findings, researchers began to develop models of how to understand the role of violence in the social order of Latin American societies. Pearce (2010) argued that containing new forms of violence was no priority for modern Latin American states, instead, they facilitated the reproduction of violence by building their authority on the violent confrontation of perceived threats and risks. Arias and Goldstein (2010) presented their model of ‘violent pluralism’ as an approach to understand the coexistence of political regimes and organised, violent non-state actors who created various forms of

[12] For a discussion of violence research in El Salvador see Section 7.5.

violent sub-state order. Similarly, this thesis seeks to understand the role of the state in reproducing or diminishing contemporary forms of violence, but the focus is narrowed to state responses to new forms of violence. Instead of adding to scholarly knowledge about contemporary expressions of violence, this thesis explores state practices of dealing with social violence. While it is acknowledged that social and political forms of violence are connected, they can be separated for the analytical purpose of this study of understanding state responses to social violence. Violence committed by state actors is not excluded entirely but it is defined as violent or coercive responses to social violence (which means not all acts of state violence may be regarded as state responses to social violence but the emphasis is on the latter). Also, structural conditions which contribute to the reproduction of violence are not ignored, they provide the context for the analysis of security practices.

Based on these considerations, the following research questions arise: In contexts of massive social violence and a lack of a legitimate state monopoly of violence, are there state responses to social violence which aim at the protection of citizens, and what characterises them? Answers to these questions add to our understanding of why states fail to provide security for their citizens. The literature discussed above demonstrated that the gaps inherent in the existing research prevent finding answers to these questions due to a narrow understanding of security provision as institutional reforms and due to the difficulties in conceptualising statehood in the global South. The discussion showed that a conceptual framework is required which, firstly, allows for a focus on security practices in contexts of massive social violence and, secondly, conceptualises the interaction between state and social actors with the potential to use violence. This conceptual framework is developed in the following chapter.

3. Power struggles and ad hoc-ism in security policy making

3.1 Introduction

The previous chapter criticised the strong focus on institutions in security concepts and identified the lacunae in research about security provision in the global South. It argued that an analysis of security practices would offer a more nuanced understanding of the shortcomings of security provision in countries of the global South. The discussion of the literature showed that the conceptual framework of this research needs to allow for a focus on security practices in contexts of massive social violence, and needs to conceptualise the interaction between state and social actors who have the power to use violence. Such a framework is developed in this chapter, drawing on Migdal's concept of state-in-society (Migdal, 1988, Migdal et al., 1994, Migdal, 2001, Migdal and Schlichte, 2005). Migdal comprehended the state as two folded. On the one hand, the state is the image of a corporate, unified entity. On the other hand, states are constituted by diverse and often conflicting practices. This links to the discussion about the different dimensions of statehood (Section 2.2) and to state practices as defined by the Paris School (Section 2.3) (Bigo, 2008, Balzacq et al., 2010). Migdal's approach serves as the theoretical foundation of this work because his definition of state practices paid special attention to the interactive effects of state and social structure. According to Migdal, state practices are shaped by constant power struggles between state and social actors. The chapter elaborates on the thought of power struggles and introduces the term of 'contested statehood' which builds on Risse's (2011) notion of limited statehood but avoids the notion of deficiency in the definition of statehood. Thus, it adopts a perspective which does not assume a legitimate state monopoly on violence where it does not exist. Instead, it looks at practices of violence control by social and state actors.

The second part of the chapter shows that the most suitable way to explore security practices is by an analysis of the security policy, or, to be more precise, an analysis of security decision making by political actors and of the effects of policy decisions. The heuristic tools for such an analysis are provided by policy research, especially by the policy cycle model (Lasswell, 1956, Brewer, 1974, Jones, 1984, Anderson, 1984, Howlett et al., 2009). Theorists of policy research

have identified different decision-making modes that will be explored, one of them being ad hoc decision making. Based on these insights, the chapter proposes the term 'ad hoc security decision making' to label short-term security decisions which are insufficiently implemented and easily reversed or replaced by other decisions. It is argued that ad hoc decision making occurs particularly when state and non-state actors strongly impact on decision makers. In other words, ad hoc decision making reflects the power struggles between state and other actors.

3.2 Contested statehood: power struggles between state and social actors

3.2.1 Migdal's state-in-society approach

The state-in-society approach emerged within the discipline of political sociology in the late 1980s. It is concerned with state-society relations and draws on classic theories of social change in the works of Durkheim, Weber, and Elias exploring patterns of domination and social and political change. The state-in-society approach claims that domination and change are not formed by either state structure only or, conversely, social formations alone. Instead, they derive from the interactive effects of state and social structure. In his book *State in society* the US Sociologist Joel Migdal (2001) sets out the basic tenets of his approach which he developed over time and in various publications:[13] First, states are not necessarily the central actors in societies; second, states and societies are organisations in a melange or a web, that is, both state and social organisations operate in a specific social context influencing one another; third, major struggles in societies take place over who has the ability to guide people's social behaviour; and fourth, patterns of change or inertia are often due to accommodations between states and social forces. These tenets can be explained by looking at historical and academic predecessors of Migdal's approach.

[13] Earlier and later versions of the state-in-society approach are published in Migdal (1988, 1994, 2001) and Migdal and Schlichte (2005). *State in society* is a compendium of various essays and the most comprehensive yet precise presentation of the concept (Migdal, 2001).

Migdal started off by thinking about issues of state capacities and policy-making in countries of the global South. Similar to Risse (2011), Boege et al (2008) and others, he argued that European concepts were not useful for theorising processes of state formation in Africa, Latin America, and Asia (Migdal, 2001: 42). He added that the European concepts still served as models of practical state organisation in the South since the 1950s. They were based on the assumptions that stability in society requires a strong centre that brings together elites. The state, then, is the political arm through which elites rule over society (p. 45). Based on theorists like Weber, the modern state was understood as a coherent, autonomous, and uniform institution. Applying these assumptions about the state to the organisation of states in the global South was a key element of the concept of modernisation that guided theories of political development in the 1960s (e.g. Lerner, 1958, Lipset, 1959). However, scholars have noted that in reality many states in the South did not and still do not develop a strong, coherent, and uniform political centre as was suggested by the model. Similarly, they noted that states lack the capability to regulate and transform their societies (p. 43). While criticism of the modernisation model led to the emergence of other concepts such as the dependency school (e.g. Frank, 1969, Dos Santos, 1970), the idea of the state as an institution that regulates people's behaviour persisted among both political leaders and scholars of political science, Migdal argued. Reflecting on the debates about the nature of the state in the 1970s and 1980s, he positioned his approach as a third alternative to state-centred and society-centred theories. In society-centred theories, the state's role is considered to be relatively small in explaining political and social change. Although they assume ideologically quite different positions, these theories share the assumption that the state is not an autonomous entity. For example, scholars of the systems theory regard the state as one system of society among others (Luhmann, 1984). For pluralists the state is more of an arena representing the conflicts between different societal groups (e.g. Truman, 1951, Dahl, 1961). For neo-Marxists state autonomy may exist to a certain extent but serves the interests of the capitalist class (e.g. Offe, 1973, Poulantzas, 1975). State-centred theories on the other hand, consider the state to be a force on its own right which constitutes society (Krasner, 1984, Jessop, 2001, Stefes, 2006). Both state-centred and society-centred theories developed over long periods of time, but in the 1970s a new

debate emerged in the US about the role of the state in political and social science. At the height of this debate was a collection of essays in *Bringing the state back in* by Evans, Rueschemeyer, and Skocpol (1985). According to the neo-statist concepts published in *Bringing the state back in* and in other works of this period, state activities can be explained by the state's own distinctive properties as an administrative organ (Jessop, 2001). State-centred theories assume that the state develops its own preferences independent from social actors, and that the state and its institutions influence and determine societal developments and individual agency (Stefes, 2006: 175). With regard to these different perceptions about the nature of the state and the continuous debates between Pluralist/neo-Marxist and neo-statist theorists Timothy Mitchell (1991) articulated a critique that Migdal adapted into his own thinking: Mitchell questioned the assumption of both pluralist/neo-Marxist and neo-statist writers that there are clear boundaries between state and society and the assumption that each can be studied on its own. He argued that 'the elusiveness of the state-society boundary needs to be taken seriously […] as a clue to the nature of the phenomenon' (Mitchell, 1991: 78). Research about the state, Mitchell wrote, needed to study the overlap of state and society. This was precisely the intention of Migdal's state-in-society approach. Studying the intersection of both fields avoids the assumption of Weberian state theorists and their critiques of a state with a strong central authority, Migdal (2001: 46) argued. At the core of the state-in-society approach is a process-oriented perspective of 'doing the state' (Migdal and Schlichte 2005: 14). This perspective allows us to explore how states do or do not exercise authority outside the European state formation model, as the following sections show.

As mentioned above, the particular strength of Migdal's concept lies in its ability for not only showing the relevance of both state and society for social and political change, but for conceptualising the intersection of both fields. Migdal began depicting the state by distinguishing between the idea of the state and state practices. On the one hand, the state is seen by both state and non-state actors as a single whole. He called this corporate, unified entity the *image* of a state as it represents the state as a whole, with a defined territory, a government, state organisations etc. (Migdal, 2001: 22, Migdal and Schlichte, 2005: 14). He argued that this idea or image of the state is at the core of most

state-centred theories and that, by the middle of the 20th century, the image of the state was considered as right and proper by political leaders in almost any society in the north and south (Migdal, 2001: 49). Following this idea or image of the state, political leaders have seen the goal of the state in achieving uniform rules for the people living in a defined territory:

> [T]he 'idea of the state' is, through law and regulations, to impose a single standard of behaviour in a given territory, one that is legislated, executed, and adjudicated by the various parts of the state organization (ibid. p. 48).[14]

To support this part of the argument, Migdal gave some examples of the state aiming to govern people's lives such as taxing, the public infrastructure (roads, schools, water, health care etc.), welfare, and capital investment.

On the other hand, if this wholeness is deconstructed, diverse and often conflicting *practices* of 'doing the state' appear because states compete with other social organisations for power. These other organisations stretch from families to ethnic groups to multinational corporations. Thinking of Latin American security issues, youth gangs or criminal networks also come to mind. Migdal (p. 49) wrote that for a state achieving the goal of governing people's lives is very difficult and elusive, because 'leaders of other social organizations have been unwilling to relinquish their prerogatives […] without a fierce struggle. Their prerogative is to devise at least some rules that govern some or many people's lives. With families the state's struggle may be about the rules of education; struggles with business corporations or criminal networks may be about the use of resources.

Migdal's concept of 'doing the state' links to the concept of security practices brought forward by the Paris School which regarded security as a set of practices emanating from state actors (see Chapter 2.3). While this approach reminded us of the need to study political practices as concrete forms of social

[14] Migdal used both *image of the state* and *idea of the state* interchangeably. While the term image points to the influence of Foucaultian thinking in Migdal's texts, the notion of the idea of the state reminds us of Buzan's (1992) work who distinguished between idea, institutions, and territorial sovereignty (2.3). While there are similarities between Migdal's and Buzan's conceptualisation of the idea of the state, they are not identical. While Buzan emphasised the thought of social consensus of the role of the state, Migdal referred to the formal representation of the state.

interaction guided by specific norms and rules (Balzacq et al., 2010), Migdal defined this interaction as power struggles between state and social forces.

Being critical of structuralist theories, Migdal explicitly aimed at bridging macro and micro perspectives of social and political change. Keeping the broader picture of the historical development of states in mind, he dismantled state and society into webs of agents. This allows for a look at concrete arenas of state power. Arenas are comprehended not as spatially limited but rather conceptual loci (Migdal, 2001: 108).[15] According to Migdal (2001: 100), power struggles are not only about top leadership positions or among large-scale social forces (e.g. between state and civil society), but they take place among the individual parts of the state and in multiple arenas. Migdal proposed four different levels within society's multiple arenas on which state officials encounter pressure: At the bottom, the daily struggles of state officials and social forces take place, involving for instance tax collectors and teachers. On the next level, local and regional bodies are responsible for the implementation of policies, e.g. the federal police, courts, legislative bodies, and local councils. Normally, these bodies are territorially bound. Conflicts can arise among local and regional state organisations as well as between state organisations and regional/local representatives of social organisations such as parties, religious groups, and business corporations. At the third level are the central offices where policies are decided and designed, i.e. ministries, parliaments, and national agencies. In many countries, the military high command would also be considered a significant central body involved in the policy-making process. These bodies are accountable to the top leadership of the state and bargain with each other. They also have to deal with and can be opposed by the most powerful social forces in society outside state organisations like business corporations, media organs, and labour unions. At the highest level is the head of state, usually the president, prime minister, junta or even religious leader. The head of state does not act independently but receives pressure from all sides, including from international actors. Some powerful social forces may have direct access to the leadership and thus exert their influence directly. This may impact, for example, on how states deal with oppositional forces or what role the military plays. The

[15] Migdal's concept of arenas has similarities with Bourdieu's concept of fields which is acknowledged in Migdal and Schlichte (2005).

head of state may also influence state organisations on a lower level and their interaction with each other, e.g. the level of co-ordination between ministries.

Migdal's notion of arenas shows that the state is not a homogenous actor but comprise different groups and individuals that can have different and sometimes opposed interests. Among these different state actors conflicts can arise. Thus, the state is not a self-contained entity that can be juxtaposed with non-state actors. According to the diverging interests of state actors, security provision can serve different purposes in society which are demonstrated in the empirical analysis. The government as the major decision maker in the most general sense represents only one force among others, although potentially a powerful one. But even within the government there may be diverging interests.

While Migdal conceptualised state organisations in some detail, his work reveals a certain weakness in explaining the structural features of social organisations. Migdal's point of departure was his interest in the state, or statehood, and societal influence became his dependent variable that remained somewhat undertheorised. Migdal's work did not explain whether social organisations can be categorised and how they exert power. While Migdal's theory revolved around power and struggles, the work of Michael Mann – a macro-sociologist – is useful to shed some light on the relationship between power and organisation (Mann, 1986). In the first volume of Mann's history of power, he set out society as 'multiple overlapping and intersecting sociospacial networks of power' (Mann, 1986: 1). Mann, too, drew on Marxists and Weberians and the stratification of society into class, status, and party but split the latter into a political and a military category. According to Mann, power is organised along these four lines: Ideological power (concerning status, norms, and concepts of meaning) is organised in 'sacred' forms of authority or authority with immanent morality; political power (concerning state elites) is organised territorially and geopolitically; military power (concerning physical defence) is organised through coercion; and economic power (concerning classes) is organised by production and exchange. This is a simplistic representation of Mann's so called IEMP model (Ideological, economic, military, and political power), but it highlights that the competition for power between social organisations and state organisations falls within one or more of these categories. They are hence 'doing the state' and controlling people's lives

through ideological, political, coercive and/or economic power. For example, ethnic groups have ideological power; however, multinational corporations have economic power but may also have political power. These categories are useful in setting the context for an analysis of the struggle between social and state organisations. Organisations do not correspond with one of Mann's four sources of power in every case, and at the same time they may draw on more than one source to achieve their goals (Mann, 1994: 39-40). Separating between ideological, economic, political, and military power is therefore a simplifying tool for analytical purposes. Actors and their sources of power that are relevant for this study are presented in the methodology chapter (Four) and the empirical discussion (Chapters Nine and Ten).[16]

Importantly, the power struggles not only happen between the state and non-state actors but rather between actors inside and outside the realm of the state. In many cases, social actors have joined forces with parts of the state and developed practices that contradict the official laws and regulations of the state (Migdal, 2001: 49). These practices reveal the intersection of state and society and may contradict the idea of the state. Ultimately, the struggle for power is a battle between the idea of the state and the agenda of other social actors for how society should be organised. The dispute is about who makes the rules that guide people's social behaviour (p. 64). From the state's perspective, the struggle is not just about compliance with the law, but about whether the state is able to displace other social forces as the rule-making organisation. In this scenario:

[16] Migdal used the terms social organisation/social force/social groups interchangeably without defining the terms. For Mann, organisations are 'means to achieve human goals' (Mann, 1994: 16). People organise themselves because they have a common goal which is easier to achieve in an organised manner. Organisations cannot be separated from power since power is an organisational means (p. 21). That is, by organising themselves, people gain power to achieve their goals. Actors and organisations are not identical but in the context of policy research, the term 'actors' usually refers to organised actors because policy processes are considered to be determined by interaction between organisations (Schneider, 2009b: 192-194). These organisations exist in both state and society, and can refer to collective, collaborative, and individual actors (Blum and Schubert, 2011: 54). Individual actors, here, are usually officials or leaders of organisations. For pragmatic reasons, I prefer to speak of actors rather than organisations: uncovering practices rather than ideas means that state and social organisations are sometimes relevant as unified actors. But sometimes actors within these organisations are relevant (still in there organised sense as officials or leaders). For instance, the Salvadoran Ministry of Justice and Public Security is an important actor in the security policy-making process which is the theme of this work. However, the Ministry is also part of the government which is an actor, too; and sometimes I refer to the Minister as an individual actor.

> [p]ublic policy is the attempt by state leaders to use their organisation to make new rules and consequently change the behaviour of the public (p. 65).

Such attempts, of course, trigger resistance among social actors. According to many state theorists, predominance of the state is achieved through tax collecting mechanisms, a standing army, and legal institutions, all of which allow states to enforce rules. However, state practices in the global South often do not correspond to this idea of the state. Instead of attaining predominance, the state accommodates itself with other actors (ibid.). This 'accommodation' between state and social actors as Migdal calls it is similar to Boege's concept of hybrid political orders. According to Migdal, accommodation happens where predominance for the state is unattainable. In such cases:

> the state does not simply disappear nor does it always continually incur the high costs of battling those who are effectively making the rules in this realm or that, in one locality or another. […] The struggle over the state's desire for predominance, the accommodations between state and others, and the maneuvering to gain the best deal possible in any arrived-at accommodation are the real politics of many third-world societies […] (Migdal, 2001: 65).

In sum, interaction between state and social actors is not only marked by modes of coordination, as Risse (2011) displayed it (2.4). Migdal underscored that interaction is also shaped by competition and accommodation.

3.2.2 Defining power and violence in contexts of contested statehood

Migdal's concept of power struggles between state and social actors provides the foundation for the term 'contested statehood'. Risse's (2011: 4) term limited statehood described areas in which central authorities lack the ability to 'enforce rules and decisions' or lack a legitimate monopoly on violence. He argued that, besides the institutionalised rule structure of states, the analysis of modes of social coordination between multiple actors gives insight into the process of governing in areas of limited statehood. It was criticised that firstly, the notion of

deficiency still underpinned Risse's definition of statehood and that secondly, interaction between actors comprises more than coordination. With Migdal's (2001) approach of states being shaped by power struggles between state and social actors, we can comprehend statehood as contested. This means that the process dimension of statehood which exists besides the institutional structure of the state does not only comprise modes of coordination but also modes of contestation between multiple actors. The ability of central state authorities to enforce rules and decisions is influenced and contested by other state and social actors. Contested statehood avoids the notion of deficiency because it does not assume centralised control over violence where it does not exist. This allows for a look at practices of violence control by social and state actors. Contested statehood appears in societies in which a multitude of actors continuously contest efforts of the state to legitimately monopolise coercive force. The precise modes of contestation are a question of empirical investigation; they can range from massive criminal violence to arrangements of non-state security provision.

Having defined contested statehood it is essential for this thesis to establish applicable definitions of both power and violence which represent central concepts in the provided argument. Migdal used different terms to describe the struggle between state and social forces. In *State power and social forces* (Migdal et al., 1994) he spoke of struggles for 'domination'. In some parts of *State in society* he referred to the struggle for 'social control' which he used interchangeably with the term 'power' (Migdal, 2001: 48). In Migdal and Schlichte's introductory chapter to *The dynamics of states* (Schlichte, 2005), 'power' is at the heart of struggles. One reason for this lack of differentiation and coherence may be the constant evolution of the concept over time and successive changes in the way of thinking about it. The terms used also reflect their embedding in academic debates at different times.[17]

[17] For example, social control was a controversially discussed concept among sociologists from the 1970s to the early 1990s. For an overview of the debates see, for example, (Cohen, 1985, Van Krieken, 1991) These debates brought a more critical perspective to the previously uncritical stance of social control as a mechanism that fosters or impedes deviance from social norms (Ross, 1901, Merton, 1968). Similar to these critical often Marxist and feminist authors of the 1970s, Migdal used the term in a more reflective manner that would consider social norms not as immanent in society but as socially constructed. Yet today, social control is a term much less used in political sociology and more associated with social welfare and criminology. I consider it to be geared towards specific fields of research and less suitable to describe general power relations in state and society.

The somewhat interchangeable use of the terms power and domination may be related to Migdal's understanding of power as dominating rather than enabling power.[18] The widespread notion of dominating power relates to Weber's popular definition of power as 'the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance […]' (Weber, 1978). According to Weber, domination is different from power insofar as domination requires legitimacy. Both terms are widely used in classical statist theory.[19]

However, this thesis studies issues of (in)security from the perspective of critical security studies which means comprehending power merely as domination would fall short of encompassing the complex social constellations marked by power relationships. That is, it would fall short of describing forms of power that are not intrinsically linked to the state. Mann's concept of power provides a useful alternative. Mann (1986) did not think of power itself as a resource or as an original goal of human beings, instead he comprehended power as organisational means for attaining goals. Only if a form of power 'is a powerful *means* to other goals, it will be sought for itself.' (Mann, 1986: 5-6, original emphasis). This view provided his point of entry to identifying the four sources of power outlined above. For the purpose of this thesis, this definition of power as organisational means is broad enough to incorporate dominating and enabling forms of power.

For Migdal power remained a concept closely associated with coercion and violence:

> Both the image and practices of the state involve power, inducing people to think and behave in ways that they would otherwise not do, and particularly using the most direct inducement of all, violence. […] The state is a field of power marked by the use and threat of violence (Migdal and Schlichte, 2005: 15).

[18] For this difference see for instance Pearce's (2007) thoughts about power in the context of chronic violence in Colombia.

[19] Both terms led many scholars to research the conditions of state legitimacy. Yet, legitimacy is a very complex subject; an analysis of its meaning would go beyond the scope of this thesis. For the conceptual framework presented here, I regard the existence of state legitimacy with Müller's words as an empirical question: '[…] the existence or absence of state legitimacy cannot, *ex ante*, be assumed.' (Müller, 2012a: 14).

Apart from this paragraph, Migdal did not write much about the role of violence in his model, only that the exercise of violence, like the exercise of power, is shaped by images and practices and should be analysed as such (Migdal and Schlichte, 2005: 16). This means that the role of violence is subject to certain ideas about its role in the state, namely to the idea that states develop a legitimate monopoly on violence. However, violence is also subject to state practices which may differ from the image of a monopoly on violence. As mentioned before, scholars have criticised the state monopoly on violence as an abstract norm which evolved against the background of state formation in Europe but does not do justice to the reality in most states of the world. This is similar to Migdal's (p. 46) criticism of models of macro sociological change based on modernization theories. He argues that models of social order and social change cannot assume a central authority where there is none. Hence, the focus of the analysis is on practices of violence control by social and state actors. Based on Mann's IEMP model power can be achieved through various means, and violence is a major tool to achieve power but it is not the only one. Thus, violence is regarded as a source of power. Since this research is interested in policy making, a rather narrow view of violence as direct or personal violence is suitable. As is explained in the following section, the interest lies in the possibility of policy decisions and their effects to contain forms of direct violence which includes physical violence like assaults, rape, torture, and homicide as well as psychological violence like verbal aggression, dominant behaviour, and bullying (Galtung, 1969). Direct violence includes criminal as well as political violence (although not all political violence is direct violence). Focusing on direct violence does not imply that structural conditions which foster violence are ignored. According to Galtung's famous violence triangle (1969), direct violence describes visible forms of violence but these visible forms of violence have structural roots. Exploring the persistence of violence necessarily needs to include a survey of structural conditions. These structural conditions revolve not only around state and society, but they require the inclusion of economic processes.

The economic dimension is notably absent from Migdal's concept but scholars researching the political economy of development offer some useful insight. Douglass North and his colleagues (2007, 2009, 2013b) suggested the term

‘limited access order’ to describe social and economic orders in which privileged individuals generate rents by limiting access to resources and to forms of social organisation for others. In this regard, they agree with other rent-seeking theorists (Buchanan et al., 1980) but they add an explanation of the role of violence in these orders. According to North et al. (2009), the use of violence in limited access orders is discouraged because violence threatens the creation of rents. However, limited access orders are based on personal relationships among the elites, and vertical organisations of elite networks are often portrayed as patronage networks. Since individuals and their relationships are impermanent, the order is vulnerable to shocks caused by various sources like climate, economic cycles, or external threats, North argued. These shocks lead to regime collapse and an outburst of violence, for instance war, civil war, ethnic violence, peasant revolts, and coups. North further argued that elites and even the rest of the population would be inclined to re-establish another stable limited access order which would guarantee the maintenance of order, rather than bear disordered violence that could lead to a transition toward an open access society. According to North (2009), open access orders rest on economic and political competition, therein they foster the organisation and participation of a large part of the population based on the rule of law. Throughout, the use of violence is politically controlled which means there is a legitimate state monopoly on violence. The transition toward an open access society requires certain conditions, first and foremost the shift of the organisation of society from elite pacts to impersonal relationships based on the rule of law.

In societies with rent-based economies, violence is a latent constant. This reflects a Hobbesian understanding of violence as a natural condition which needs to be contained. The above given definition of violence as a source of power does not indicate the causes of violence, thus, it does not determine whether violence is a natural state or something that is triggered by external conditions. It claims that violence is used in specific situations, namely during power struggles, albeit it does not assume that the use of violence is limited to power struggles. However, North’s theory (which comprises more than the statements delineated above) is useful because it allows for an approach to comprehend the lack of a state monopoly of violence in rent-seeking economies.

3.3 Ad hoc decision making as security practices

Security practices that result from the mutual influence of state and social forces are at the core of this analysis. According to Bigo (2008), analysing practices means to explore what actors do and to explain their reasoning. The heuristic tools to approach such an analysis are provided by policy research. One of the pioneers of public policy research, Thomas Dye, coined the key interest of the field into three questions: Policy analysis is 'what governments do, why they do it, and what difference it makes' (Dye, 1976). Since then, public policy research developed further and does not only examine governments but considers a broad range of political actors. It comprises of various theoretical perspectives and empirical methods.[20] However, Dye's three questions show that it is essentially oriented towards an explanatory analysis of practices. As a sub-discipline of political science it looks at political decisions and their realisation into concrete action taking into account contingent and structural conditions (Schneider and Janning, 2006: 11).[21] In the subsequent paragraphs follows a discussion of policy decision-making modes which provide the conceptual framework for an explanation of why security policies fail. By introducing the term ad hoc decision making, the research shows how power struggles between social and state actors shape security practices. It argues that ad hoc decision making occurs particularly when state and non-state actors strongly impact on decision makers. In other words, ad hoc decision making reflects the power struggles between state and other actors. Ad hoc-ism as a decision-making model serves as the framework to interpret data about decision making in the Salvadoran security policy and to understand the power struggle between state and other actors at a specific stage of the policy process.

For this thesis public policy is defined with Jenkins as:

[20] For an overview of theoretical and methodological strands of policy research see Howlett et al.(2009) and Schubert and Bandelow (2009).

[21] Today, the term 'policy analysis' is more often used for approaches that concentrate on concrete policy outputs using quantitative methods. 'Policy studies' look more at policy processes in a holistic way (Howlett et al., 2009: 8). This work is an analysis in the sense of policy studies and therefore uses that term (interchangeably with policy research). I also use the terms 'policy' and 'public policy' interchangeably. 'Policies' also exist in the non-public realm but the interest of this work clearly is on public policy. Public policy describes policies that relate to state practices (even though, strictly speaking, these may also include goods and tasks that could be considered as private (Schneider and Janning, 2006: 16).

> a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve. (Jenkins, 1978, cited after Howlett et al., 2009: 6).

As Howlett et al. have stated, this definition underscores that policy making is a dynamic process consisting of various decisions that are made in relation to context and content of an issue or theme. This holistic focus on the process goes along with Migdal's concept of 'doing the state'. According to Migdal (2001: 23) an important aspect of state/society interaction is the process-like character of group interactions. State and non-state forces not only mix with one another, they are also in constant flux throughout the struggles. There is no static picture of actors with fixed rules and goals. In this regard, this analysis looks at security policy making as a dynamic process. This notion of policy making as a process becomes visible in the so called policy cycle model which is explained further below.

Jenkins' definition shows a general problem of policy studies in so far as it assumes that political actors have the power to decide and to implement decisions. Constraints are usually only considered to appear within the political system, for example through limited time and financial resources or political opposition. It assumes that, even if there is no consent on a political issue, a community exists that has an interest in a certain topic, the so called sub-system (Howlett et al., 2009: 82). This policy subsystem is described by Sabatier and Jenkins-Smith as:

> *an advocacy coalition* [which] consists of actors from a variety of public and private institutions at all levels of government *who share a set of basic beliefs* (Jenkins, 1978, cited after Howlett et al., 2009: 6, emphasis added).

This narrow analytical focus ignores that state actors can be influenced by social actors to the extent that 'the selection of goals and the means of achieving them' (ibid.) is essentially determined by the interest of social actors who may or *may not* share basic beliefs with political decision makers. In other

words, most policy studies ignore the power struggle between state and social forces. Here lies the contribution of Migdal's concept because it points to the contestation of policy making. It questions the presumably inherent predominance of the state and asks what role society plays for state practices. Political decisions are contested by social and state actors.

Based on Migdal's conceptualisation of power struggles between state and social actors, I understand political decisions about security provision as reactions to or as part of these constant struggles. Through this lens, discontinuities in security policies become more comprehensible. This thesis uses the term ad hoc-ism to label a specific mode of state responses to problems of violence which appears especially when decisions are contested. The following paragraphs explain what ad hoc-ism and ad hoc decision making is.

To set out these terms, a review of decision-making models as part of the public policy process is useful. An often used model to describe the public policy process is the policy cycle. This model is a heuristic tool which breaks the policy process down into several stages in order to reduce its complexity for analytical purposes (Blum and Schubert, 2011: 104, Howlett et al., 2009: 10). Being first introduced by Harold Lasswell in 1956, the model was slightly adapted and modified by other researchers and sometimes varies with regard to the names, order, and definition of stages. The thesis adheres to the model used by Michael Howlett and his colleagues who refer to earlier models developed by Brewer (1974), Jones (1984), and Anderson (1984). It comprises of five stages: Agenda setting (problems come to the attention of governments) – policy formulation (generating options on what to do about a public problem) – decision making (adopting a particular course of action) – policy implementation (put policies into effect) – policy evaluation (monitor the outcome of policies) (Howlett et al., 2009: 12). The model is called the policy cycle because the evaluation may lead to a reconceptualisation of the issue and may go through the different stages again. In practice, the policy process is not as linear as the model suggests. Instead, the stages overlap or their sequence is different or some stages do not appear at all (Sabatier, 2007). As mentioned above, the policy cycle is not a theory itself, but it is a heuristic tool to gain insight into policy processes. While the model as such is not suited to explore causalities it

has two essential advantages: first, by pointing to the importance of processes it does not give preference to either structure or agency (Blum and Schubert, 2011: 133-134). Both structure and agency are considered to impact on social and political change. Structural features such as recurrent patterns of economic processes are important for gaining deep insight into the case study. They build the background against which agency (in the form of state practices) must be interpreted. Second, the model helps to articulate the specific analytical interest of the thesis. It is considered to be particularly useful for the purpose of this thesis because it distinguishes decision making from other stages of policy making. This allows for a closer empirical look at the decision-making stage which is of particular importance for this thesis.

However, since policy making is not a strictly linear process, other stages will be considered too. The stages that precede and follow it (policy formulation and policy implementation respectively) are directly linked with decision making and, as such, will be dealt with within the analysis of the case of Salvadoran security policy: Any decisions of the FMLN government regarding its security policy were preceded by a process of generating policy options on security provision prior to the Presidential elections and early during the term. This does not imply that all policy decisions are part of a policy programme. To the contrary, it is important to acknowledge that decision makers may not adhere to programmatic outlines (Weiss, 1982). However, the decisions they make can still be considered as policy decisions. This means, a policy is more than a government programme. It describes the entire process of decisions made and implemented with regard to a specific policy area. This also implies that factors contributing to the success or failure of implementing a policy are not just found in the implementation stage but also in the decision-making stage. Therefore, implementation is not analysed as an isolated stage of the policy process but as being closely connected to decision making. From the theoretical perspective, this makes sense: Research showed that the success or failure of implementing a policy can only be explained with regard to previous policy stages (Schneider and Janning, 2006: 63). In this regard, there is heightened awareness of researchers for the interconnectedness of all policy stages (Jann and Wegrich, 2009: 96-97). Also research which focuses solely on policy implementation is not as comprehensive as research on the previous stages. It would therefore be

difficult to draw on any studies that could guide the conceptualisation of such a focus.

Agenda setting and policy evaluation as stages of policy making are touched upon in the contextual chapters. Agenda setting plays a role in the discussion about the rise of security as a political theme (Chapter Seven) and as a topic within the FMLN (Chapter Eight). The thesis touches upon policy evaluation in the empirical discussion (Chapters Nine and Ten), and reflecting on the results of the data analysis is similar to an evaluation of the FMLN's security policy. However, there is no explicit focus on the existence or inexistence of an evaluation process in Salvadoran political circles.

Decision making as part of the public policy process has been subject of many studies and brought forward several models. Howlett et al. (2009: 158) took the different strands of models and organised them into four categories: *Ad hoc, rational, incremental, and negative decision making*. However, Howlett's ad hoc category is not well developed, instead it remained a rather vague idea of a decision-making mode that is not rational, incremental or negative. The thesis therefore briefly describes these other modes and, thereby, first explores what ad hoc-ism *is not,* before it constitutes what ad hoc-ism *is*. *Negative decision making* is the deliberate choice of decision makers to do nothing about a public problem and to retain the status quo, even though the problem is on the political agenda and a policy might have been formulated. The status quo is also retained with so called non-decisions. In contrast to negative decisions, non-decisions mean that problems do not appear on the political agenda at all either because decision makers have the power to ignore problems or they are blind to the need to act on a problem (Howlett et al., 2009: 139-142, Blum and Schubert, 2011: 120-122). *Rational and incremental decision making* are two modes opposed to each other deriving from a controversial debate among policy researchers from the 1960s (Blum and Schubert, 2011: 147-148). Rationalism in this context means solving public problems by choosing the best of all alternative strategies after attributing costs and benefits to each alternative. This rather technical approach of maximising the expected outcome through a scientific mode has been criticised by incrementalists. This strand argues that the actual behaviour of decision makers is not as rational as rational models suggest, instead decisions depend on their political feasibility. The

incremental model was first developed by Charles Lindblom (1959: 88) who described it as 'the science of muddling through' in which decision making is the process of 'continually building out from the current situation, step-by-step and by small degrees'. Without going into detail, this model also has its limitations in so far as it was criticised for the absence of the option of large-scale change and for assuming that decisions lack any goal orientation. However, Howlett et al. (2009: 149) acknowledged that, while neither incremental nor rational models accurately describe the decision-making process, both types as well as negative and non-decisions may appear in practice.

Ad hoc decision making, according to Howlett et al., are neither rational (in the above described sense) nor incremental nor negative modes of decision-making. Ad hoc decisions often 'shuttl[e] between different alternatives over fairly short periods of time' (Howlett et al., 2009: 158). This characteristic is based on the assumptions of the so called garbage-can model which sought to move beyond the rationalism/incrementalism divide. In this model, developed by Cohen, March, and Olsen (1972), decision making is considered to be a highly ambiguous process with no clear goals and unpredictable outcomes. The contingency of decisions is just one aspect of the garbage-can model. The approach assumes that solutions often exist before there is high awareness of a public problem, and solutions 'wait' to be implemented during a window of opportunity. This thought was developed further in the multiple streams approach by Kingdon (1984) and Zahariadis (1999).[22] The central idea of ad hoc-ism refers to the frequent alteration of policy decisions. Decisions on how to deal with a public problem are made but are not implemented or insufficiently implemented because, within a short period of time, these decisions are either replaced or reversed or ignored.

Furthermore, Howlett et al. distinguish decision-making modes by what they call the *cohesion* of the policy subsystem and the severity of policy *constraints*. High cohesion means that there is a high level of agreement among those actors involved in a particular decision-making process, that certain ideas and interests dominate within the policy subsystem, and that decision makers enjoy legitimacy within this subsystem. Low cohesion is the opposite of all this. Policy constraints refer to the complexity or intractability of the nature of the policy

[22] See Rüb (2009).

problem, time constraints, and the availability of information about a problem. Ad hoc decisions, according to Howlett's taxonomy, most often appear where the cohesion of the policy subsystem is low. That is, the interests of the actors involved in the decision-making process are diverse. More specifically, they disagree on political options, and do not enjoy much legitimacy within the subsystem. The model also suggests that ad hoc-ism can be found when policy constraints are low, i.e. the complexity of the nature of the problem is manageable and sufficient time and information is provided.

There are some limitations to the model developed by Howlett et al. First, 'subsystem' is not a useful analytical category because it is built on the assumption that policy is made by actors who share basic beliefs and enjoy legitimacy (as was criticised above). It ignores actors who contest such legitimacy. Issues of cohesion and contestation are more complex and need to be considered within the wider social and political context. In Michael Mann's words, there are no subsystems because societies are not social systems, as such they are not an entity (Mann, 1994: 14; 30-34). This raises a question concerning the actors involved in the decision-making process. Or, put differently, it asks how actors take impact on decision making. In this regard, this thesis shares the assumption proposed in the policy cycle model, namely that principally only key government decision makers such as elected official, judges, and bureaucrats are able to make legally binding policy decisions (Howlett et al., 2009: 140). This is not to say that other actors like, for instance, lobby groups, do not impact on the decision-making process. However, the problem with the model is that it says nothing about *how* other actors do impact on the decisions that are made (or not made). Policy decisions are not necessarily contingent, as suggested by the garbage-can model. Often they are the product of the impact of social and state actors on decision makers. As argued with Migdal and Mann above, this study proposes that actors use their (ideological, economic, political, and coercive) sources of power to guide people's social behaviour. This is often a competitive process at all stages of the policy process and leads actors to either accommodate with each other or keep struggling to be the rule-making organisation. Which actors are involved in the policy process, essentially depends on the policy area and on the case to be examined, and will be dealt with in the methodology (Chapter Four) and

empirical discussions (Chapters Nine and Ten). Likewise, the ways in which actors impact on the policy process are manifold and depend on the policy area and on other factors some of which are discussed below. Since this work focuses on the decision-making process in the security area, it builds on the assumption that social and state actors use their sources of power to impact on political decisions and their implementation in the field of security.

Rejecting Howlett's term 'subsystem' means that the two variables cohesion and constraints cannot be used in the way Howlett et al. suggested. Especially the thought that ad hoc decisions prevail where policy constraints are low does not follow a clear line of argument. It would be more logical to assume an ad hoc decision mode when the nature of the problem is very complex and in a policy context where time and information are limited. Due to this contradiction, constraints are not a feasible category to characterise ad hoc-ism.[23]

Considering the degree of cohesion of the political context, on the other hand, seems useful, if we replace 'subsystem' with 'actors involved in the policy process'. The more political and social actors disagree on a policy and the more diverse the interests of the involved actors are, the more difficult it will be to decide for one policy option. This scenario of low cohesion can be taken even further: if there are a considerable number of actors involved, and interests of the involved actors are not only diverse but adverse, there may be no cohesion at all and policy decision making is essentially contested. Even if decisions were taken, it will be difficult or impossible to implement the policy in the next step if resistance against the policy is high. This may lead to political paralysis where the public problem is not resolved, no matter what policy options were elaborated. The decision-making modes that are most often (but not exclusively) to be found in such a scenario of low or no cohesion are ad hoc and negative decision making because no government decision satisfies the interests of the 'stakeholders'. Dissatisfied 'stakeholders' will mobilise their sources of power to contest decisions and their implications, and to fight for alternative decisions or to impede decision making altogether. The more actors with adverse interests there are involved, the more contested the policy

[23] Howlett's variable 'constraints' builds on the previous work of other scholars, e.g. Lindblom (1959) and Forester (1984). They all agree that constraints such as limited time and limited information about an issue shape the decision-making process. However, so far, no convincing conceptualisation of the impact of constraints on the decision-making process exists.

decisions are: if an alternative decision was taken, it may be contested by yet another actor. The power of actors to obstruct any decisions (negative decision making) would be an interesting subject of study in this regard. However, since this work concentrates on decisions which were actually taken, the focus remains on ad hoc decisions.

Another limitation of Howlett's model is the assumption that decisions lead to change –either to linear or non-linear change. According to Howlett et al., ad hoc decision making is considered to have a tendency towards non-linear change, it is thus to be distinguished from incremental decisions which lead to linear, step-by-step change. Rational decisions, in this taxonomy, can lead to either linear or non-linear change. The only decision-making mode which considers inertia is negative decision making, following the simple logic of 'no decision – no change'. However, this raises questions about the simplicity of the causal relation portrayed. We need to consider situations in which decisions are made with the intention for social change but do not result in substantial change. This option should be kept in mind when categorising decisions into these different modes. Especially ad hoc decisions may result in no substantial change, firstly, precisely because their implementation is often replaced by other decisions and the successive implementation. Secondly, because of their temporary character, they are not embedded in a profound long-term policy strategy which would include the other stages of the policy cycle.

Based on the elaborations above, ad hoc decision making can be summarised as follows:

- It appears where state and non-state actors use their power to impact on and contest decisions of decision makers in formal offices, involved actors have adverse interests, and resistance against (or attempts to influence) the policy is high.
- It means that strategic long-term decisions are either easily replaced or ignored or reversed by short-term decisions. Short-term decisions are often unrelated to any strategy.
- Ad hoc-ism has a temporary character (which means decisions are either provisional measures or soon replaced).

- It assumes that political awareness of the problem is high, and decisions are made with the intention to solve a problem.[24]

With regard to the effects of ad hoc decision making, it is assumed that:

- Comprehensive and/or long-term strategic decisions are not or insufficiently implemented because decisions are either ignored or easily replaced or reversed by short-term decisions which are often unrelated to the long-term strategy.

- Public problems remain unsolved because ad hoc decisions do not result in substantial change.

There is a relation between ad hoc decision making and the above given characteristics, but not necessarily a causal one. That is, not every ad hoc decision-making process is marked by these characteristics, and in turn not every policy situation in which the characteristics are found, can be labelled as ad hoc decision making. As discussed at the beginning of this chapter, substantial attention is paid to the contestation of policy decisions and the power struggle between state and non-state actors. This is at the core of the empirical analysis. The power struggle described above may take place at various policy fields and at various stages of the policy process but the focus of the analysis is on its appearance in security decision making as one example of security practices. Based on the conceptualisation of contested policy processes the following chapter sets out the methodology of the study.

[24] The degree of awareness and the intention for change are not the same as the perceived gravity of the problem or how thoroughly the problem is analysed. In the model outlined here, the perception of a public problem would be considered to be a policy constraint which also shape the decision-making process but are not subject of analysis here. Hence, there is no particular focus on the perception of (in)security in this work.

4. Research design: decision making in security policy in El Salvador

4.1 Introduction

With the conceptual framework at hand, this chapter sets out the methodology of the study. The Salvadoran case study aims to show that the lack of security provision in a violence prone society cannot just be comprehended from the perspective of institutional reforms. It can also be explained through policy processes, especially through decision-making processes. This is demonstrated by the analysis of the security policy under the FMLN government in El Salvador between 2009 and 2014 with special focus on police and prison reforms. This thesis asks *why institutional security reforms in El Salvador between 2009 and 2014 did not result in a reduction of violence.* It examines how the FMLN government (2009-2014) responded to violence in El Salvador. On that basis it goes on to explain why the FMLN government was not able to implement its far-reaching and well-designed security plans.

This chapter identifies a case study approach as the appropriate way to conduct the policy study and explains why the case of security policy making in El Salvador was chosen. The chapter underscores that the case of El Salvador is suited for the research goal of explaining the failure of intrastate security provision in societies with widespread criminal violence and in a state that does not have a legitimate monopoly of violence. It elaborates on how the research questions above will be answered by analysing two arenas of decision making, one dealing with the Salvadoran police and the other with prison reforms as a response to gang violence (Section 4.2). The chapter presents the three data collection methods used (semi-structured interviews, field observation, and document analysis) and shows how access to the field was sought, including what difficulties emerged during empirical investigations (Section 4.3). Moreover, it briefly elaborates on how data was analysed and interpreted, using NVivo software (Section 4.4). Finally, Section 4.5 explains how ethical concerns during fieldwork were addressed by paying special attention to cultural differences between research participants and the researcher/the researcher's university.

4.2 Case selection

4.2.1 Why choose a case study as the methodological approach?

Singular and comparative case studies are common methodological approaches in qualitative policy research because they allow for deep insight into a public policy process as well as detailed description and analysis of a specific field (Schneider and Janning, 2006: 41, Burnham, 2008: 63). As this work's purpose is to gain detailed insight into the field of security policy it follows this fundamental thought and adopts a singular case study design as the feasible methodological approach. A number of additional reasons justify this decision. First of all, the focus is on a single policy area, and the idea is to collect as much data as possible on this specific policy area in order to substantiate the arguments put forward: political, economic, and military elites were powerful enough to significantly alter the security policy of the FMLN government. The power struggle between the FMLN government and these elites undermined the development of stable democratic security institutions. The study comprises of a small exploratory part (*How* did the FMLN government respond to violence in El Salvador between 2009 and 2014?). However, it mainly is an explanatory study as the main research question suggests: *Why did institutional security reforms in El Salvador between 2009 and 2014 not result in a reduction of violence?* The aim is to create a comprehensive account of specific security responses of the FMLN government (Burnham, 2008: 66). This allows me to substantiate the line of argument throughout the thesis. Robert Yin (2009: 8) proposed that three conditions point to the methodology of a case study: 1.) If the type of research question(s) is Why? or How?; 2.) if the researcher has little or no control over the event(s) or area which are/is being investigated; and 3.) if the focus is mainly on contemporary as opposed to historical events. All of these conditions are met. The methods for data collection used in this study (interviews, observation, document analysis; see below for details) have no influence on the course of security policy in El Salvador. The focus is on policy decisions and their implications in the recent past. In fact, not having any control over actual events even required (re)adapting the research design during data collection because

unforeseen decisions were made (Section 4.3). The focus is on a contemporary issue within its real-life context, even though historical developments are being taken into account.

The disadvantages of an in-depth study are its limits regarding the generalisation of its findings (Burnham, 2008: 64). There are similarities with other cases of security decision making in violence-prone societies, and it is the goal of this thesis to add new thoughts and perspectives to the broader debate on understanding state responses to violence beyond the case of El Salvador. The arguments of this work are specifically generated in the context of the security policy process in El Salvador between 2009 and 2014, therefore their transferability to other cases needs to be tested for each case. However, the conceptual framework was also shaped to enable the exploration of some underlying suggestions that allow me to contribute to the broader debate about state responses to violence. Broadening our knowledge about why security provision fails by adding the perspective of security practices is the original contribution of the research. The case study is suited to show that more attention needs to be paid to the decision makers within the societies affected by social violence. These decision makers which are identified below are the ones who are responsible for drafting and implementing security policies against the resistance of powerful elites.

4.2.2 Why choose a case study about security policy making in El Salvador?

As mentioned before, the case study deals with security policy-making in El Salvador under the FMLN government 2009-2014. The specific choices to explore security policy making in the country of El Salvador and particularly in the timeframe of the first FMLN government were guided by a thoughtful selection process.

The most straight forward reason for choosing El Salvador lies in its high levels of social violence. Despite extensive security reforms after the Peace Agreement in 1992, homicide rates increased dramatically and remain at high levels. As outlined in the introduction, El Salvador has one of the highest homicide rates in the world. El Salvador is a showcase of institutional security

reforms which did not result in a reduction of violence. This applies to the post-war reforms as well as to reforms under the Funes government. As such, the case suits the thesis' purpose of explaining this contradiction with the impact of powerful state and non-state elites on policy making.

In the light of the magnitude of social violence (which is depicted in greater detail in Section 7.5) and its devastating consequences, security provision is not just a problem of a single policy area, but it is one of the most burning political questions in contemporary El Salvador. In the conceptual part of this work (Section 3.3), I referred to the five stages of policy making: Agenda setting, policy formulation, decision making, policy implementation, and policy evaluation. Security provision as a political subject is already on the political agenda in El Salvador. From the conceptual perspective, it is therefore possible to concentrate on the core stages of the policy cycle, the decision-making process, with reference to the previous policy formulation and the subsequent implementation stage.

The FMLN government's security policy is particularly interesting because it represents a change to previous government security approaches. Under the twenty years of the rule of the right-wing ARENA party (1989-2009), the state's security and justice sector failed to contain and prevent violence (Section 7.3). In 2009, for the first time in Salvadoran history, a leftist government came to power. The FMLN which was once an insurgent group had transformed into a key political party seeking to build a state which is responsive to the needs of those large parts of the population which are affected by poverty and violence. The FMLN was one of the few left governments in the region which proactively addressed security issues. Prior to the presidential elections in 2009 the party elaborated a security approach that would differ significantly from the repressive policy of *mano dura* as it developed a vision of citizen security that reflected the 'post-neoliberal' (Grugel and Riggirozzi, 2012) ideas of rapprochement between the state and non-elite parts of the society. However, the policy was not followed through in practice. A few months after taking power the original plans were neglected. The thesis asks why this was the case. The insufficient implementation of security policies is a problem that is not unique to El Salvador. Hence, understanding the reasons of failure is not only relevant for

security provision in El Salvador but can provide a useful starting point for the analysis of security policies of other violent-prone countries.

Another reason for choosing the case of El Salvador lies in the country's history. The formation of the Salvadoran state in the nineteenth and early twentieth century is closely linked with the emergence of a strong local coffee elite. Economic resources were, by far, a more important source of power than any political authority. El Salvador had no strong state centre; hence, a state monopoly over violence was not developed. The contemporary power struggle between state and social actors has its roots in this historical lack of a monopoly over violence, and state responses to violence can only be understood against this historical background. Chapter Five addresses these structural features in greater detail.

Finally, personal impressions mattered. I started this research project with the intention to better understand why it was so difficult to contain violence in El Salvador. During a preparatory visit to El Salvador in 2011 I talked to a number of security experts from NGOs, the government, academia, and the police to get a clearer picture of the most burning questions regarding state security strategies. The question that most people were asking *me* was why the Funes government which had started out with so much ambition and hope for change was not able to realise its vision of citizen security. It was almost as if I was given this as homework to figure out what went wrong. This way the research question emerged by itself from within the research environment.

4.2.3 Why choose police and prison reforms?

In the following part of this chapter the design of the case study is explained in greater detail. The empirical research begins with exploring how the FMLN government responded to violence (Chapter Eight). A comparison of the FMLN's security plans at the beginning of the term and their (lack of) realisation until the end of the term shows the discontinuity of the policy. This serves to justify the main research question (why did the FMLN government fail) which is addressed in Chapters Nine and Ten.

Using the previously defined characteristics of ad hoc decision making, the case study analyses the security decision-making process under the Funes government. As mentioned earlier, at the core of the analysis is the argument that economic, military, and political elites are powerful enough to contest and significantly alter policies of the official decision makers. The characteristics of ad hoc decision making provide a way to make this impact tangible. This includes determining which key actors were involved, and what their sources of power were.

Empirical research concentrates on two specific arenas where security policy decisions are essentially contested: decisions regarding the professionalisation of the police, and decisions that affect institution building at prisons. Both fields are central elements of security provision but received different levels of attention. Internationally, the UN were one of the first organisations sending field missions to reform police forces in post-war environments in the 1990s – including in El Salvador but also in Haiti, Eastern Slavonia, Kosovo, and East Timor. Bilateral police training programmes have an even longer history (see Section 7.4.1 on the US sponsored International Criminal Investigative Training Assistance Program (ICITAP) in 1986). SSR was the effort to provide a more holistic reform approach not only for police forces but for all security actors that were believed to be relevant for a stable and 'secure environment that is conducive to development, poverty reduction and democracy' (OECD, 2005: 16). Yet, other approaches to conceptualise such reforms (e.g. as democratic policing or post-conflict police reforms) do also exist, and there is abundant academic literature on the topic (Hansen, 2002, Bailey and Dammert, 2006a, Hills, 2009, Uildriks, 2009, Baker, 2010, Ryan, 2011, Francis, 2012).

Similarly, efforts by international and bilateral development aid to support reforms of the penal system were integrated in the SSR approach to better connect it with other reforms. However, in practice prison reforms never received the widespread attention police reforms did – neither from the international community nor from scholars (Rico, 1997, Dammert and Zuñiga, 2008, Bastick, 2010, Müller, 2012b, Macaulay, 2013, Rosen and Brienen, 2015). A similar picture arises at the national level. Whereas the Salvadoran police was at the centre of security reforms after the war, prisons did not play any role in the reform process. This lack of attention continued under ARENA

governments (Section 7.3). Thus, since not all security policy decisions and state and non-state actors involved in them can be analysed, two distinct areas of security reforms with very different starting positions for the FMLN government were chosen for this study. This serves the purpose of an in-depth analysis of the case.

The two arenas are not treated as two different case studies because they are both in the realm of security policy which means decision makers are often the same. In the same way, policy decisions are connected in the sense that often both fields are affected by the same decisions and take place in a similar political context.[25] They are not suited for comparison because they are not different enough since in both instances cohesion of the involved actors is low or almost non-existent (see Section 3.3 on the issue of cohesion). However, the case study's explicit objective is to gain deep insight into security policy-making under the Funes administration. Therefore, exploring two arenas will shed more light on this topic than exploring only one arena. This is specifically true with regard to the argument that the power struggles undermined the institutional development because the effects of policy decisions will differ due to the different content of the decisions. This allows for a deeper understanding of the implications of contested policy making.

The first arena is the Salvadoran police as a state force that is particularly important for both state-society relations and security provision. It will give insight into the relationship between the Salvadoran state and society in the field of domestic security due to frequent and diverse points of contacts between the police and society. As mentioned above, the Salvadoran police underwent comprehensive institutional reforms since the signing of the Peace Accords in 1992, not least with support of the international community. The focus of the study is on the attempts of the FMLN government to further professionalise the National Civilian Police (PNC) as part of their security strategy.

The second arena deals with the prison policy. In contrast to the PNC, Salvadoran prisons are very little institutionalised and received less political

[25] Although the two arenas are not treated as two separate case studies in a methodological sense, occasionally I refer to them as cases. This is purely for the better flow of the text.

attention over the last three decades since the Peace Accords. The FMLN needed to address the growing power of youth gangs, the so called *maras*, which permeates the Salvadoran society through physical violence, extortion, threats of violence, and territorial claims. Their strategy aimed at establishing preventive and reintegrating measures. It also aimed at building an improved prison infrastructure since many (but not all) prisoners were gang members and prisons were known to exacerbate problems of gang violence. The study shows that the course of prison reforms can only be explained through the government's actual responses to gang violence. This research first explores prison reform plans at the beginning of the term. The study then analyses the relationship between the government and the gangs which culminated in the gang truce 2012/2013 and its effects on the progress of prison reforms.

The analysis considers both cases to be arenas, that is, both the police and the prison system are not comprehended as unified state organisations but as arenas of power struggles between multiple state and social actors. The advantage of using Migdal's notion of arenas is the conceptual openness to the role of non-state actors. The difficulty, however, consists in determining the frame of an arena. What constitutes an arena and how can it be operationalised? As outlined in Section 3.2.1, Migdal (2001: 117-123) maintained that within society's multiple arenas, there are four different levels in which state and society interact and on which state officials encounter pressure, ranging from the daily struggle of civil servants to the top leaders of the state. These levels provided a first point of orientation in the process of identifying relevant state actors. These actors comprised, for example, the President, the Ministry of Justice and Security, members of the Legislative Assembly, the Police and Prison Directorate, police officers, and prison guards. However, the concrete arena which also includes the relevant non-state actors can only be operationalised with the insights from the policy cycle model. To identify all relevant actors, the focus of the analysis has to be on the policy process and, more precisely, on the decision-making process. The policy decisions are at the heart of the analysis. This means, the study has an explorative design. Not only does the choice to focus on specific policy decisions emerge from the data. The same applies for the actors involved and affected by the decision making process. With Migdal's levels and the policy decisions to be analysed in mind,

preliminary conversations and readings as well as the actual fieldwork interviews revealed who these actors were. The emphasis of the research is on decision making at the national level since this is the realm where public security policies are decided. This implies a focus on the central offices like the Security Ministry, the parliament, national agencies, and the Presidency. In addition, a look at the 'local' level is necessary to understand the effects of national security policies. Thus, the effects of security decisions which relate to the specific arenas – policing and the prison system – are explored by gathering data within the relevant environments (the police and prisons) and from people affected by the policy decisions. Relevant non-state actors were, for example, the US Embassy, business elites, the mediators of the gang truce and international organisations like the OAS. The following section shows how these actors were approached as interview partners.

4.3 Field access and data collection methods

Since the purpose of this case study is to gain deep insight into security decision making under the Funes administration, semi-structured interviews were chosen as the main method for data collection, supported by document analysis and field observation. Data was collected during three fieldwork trips. During the four weeks preparatory visit in 2011 the feasibility of the research was examined, first contacts were established, and the scope of the case study was limited to the police and prison arena.[26] The bulk of data was collected from February to April 2012 and in February and March 2013.

Based on preliminary conversations and reading, different groups were identified as relevant interviewees.[27] First, an important group of experts to be consulted with regard to the original FMLN security policy were those involved in its development.[28] Second, interviews with key decision makers and/or with people in their immediate environment (especially where key decision makers were not available) were needed. Here, interviews were arranged with officials

[26] Interviews from this trip are listed as background interviews in the appendix.
[27] See appendix for complete list of interviews.
[28] FMLN security experts often also held a position in state organisations; they are therefore not counted separately as security experts in the interview list.

at the Ministry of Justice and Public Security (including Minister David Munguía Payés (2011-2013), Vice Minister Douglas Moreno (2012-2013), and Ex Minister Manuel Melgar (2009-2011)), members of the Security Cabinet[29], members of the Legislative Assembly, bureaucrats working on state modernisation[30], and political advisers. A third group comprised PNC officials involved in the professionalisation process at the police. Interviews were conducted with current and former executive staff members and other (ex-) officials in leading positions.[31] Interviews were also sought with 'ordinary' police officers who did not hold a leading position but both officers that were approached withdrew their consent before the meeting. Fourth, state officials from the penitentiary system were able to give insight into prison politics while visiting prisons and talking to inmates, employees, and human rights lawyers would inform data about the impact of prison-related security decisions.

In both arenas, the PNC and the prisons, gaining access required some effort and time but eventually was successful (see below for more details). Due to the close connection between prison reforms and the government's gang policy, interviews with gang members were also considered to be a valid source of data. However, gang members represented only one group among the broad range of interviewees, and establishing access to gang members was both dangerous and time consuming. Hence, only two gang members were interviewed.

Establishing access to other non-state actors like representatives from business elites, criminal networks, the military, and international actors (especially the US) proved to be more challenging. In order to gain a business perspective on security issues, interviews were conducted with FUSADES employees (Salvadoran Foundation for Economic and Social Development, a think tank that was founded by the conservative coffee elite, see Chapter Five), with the director of the DTJ foundation (Democracy, Transparency, Justice foundation, a

[29] The Security Cabinet was a newly created institution of the Funes administration and initially comprised the leaders of all important security institutions: the Minister and Vice minister of the Ministry of Justice and Public Security (MJSP), Minister of Defence, PNC Director and Subdirector, Head of Prison Directorate, Head of Police Academy, Head of the Parliamentarian Security Commission, Attorney General, Director for Migration, and the Secretary for Strategic Issues.

[30] The FMLN Government had created a Secretary of Governance and State Modernisation (*Subsecretario de Gobernabilidad y Modernicación del Estado*) which belonged to the Secretary for Strategic Issues; interviews were conducted with the Secretary and the Head of Department of Political Reforms and Citizen Participation.

[31] To protect sources, details on the exact positions are withheld.

think tank funded and overseen by business elites), and with Rodrigo Ávila (a business consultant on private security, ARENA presidential candidate in 2009, and ex-police director (1994-1999, 2006-2008)). One ARENA Parliamentarian was also known to have his own business. A military perspective was only possible to obtain through talks with one Parliamentarian who was a retired colonel and with Security Minister Munguía Payes, who previously had been the Minister of Defence (2009-2011). International organisations were mainly relevant as donors of security reforms but were, at the time of field research, less involved in prison reforms. Police reforms were supported by consultancy from a sub-contractor of USAID who had already left the country at the time of field research. One interview with a member of the US Embassy added some knowledge about the US perspective. Some information was collected about the impact of criminal networks on the security policy but no interviews were conducted due to safety risks and difficult access.

Additional information was sought through conversations with people with a certain degree of expertise on the subject, such as NGO employees, lawyers, community workers, journalists, Salvadoran academics, and church leaders. These interviews proved to be significant sources of data especially in cases where actors were difficult to access.

Altogether, 61 interviews were conducted and whenever possible recorded.[32] Due to the nature of the topic and the FMLN being the ruling party, interview partners that were affiliated with the FMLN outnumbered those with another party affiliation, but interviews were also conducted with ARENA parliamentarians, persons with links to ARENA, and those with no particular or another political affiliation. Only in a small number of interviews the political affiliation was not revealed or not addressed explicitly. As the following chapters will show, the political affiliation is of considerable importance since some

[32] In a number of cases, interview partners had more than one function, e.g. the Vice Minister of Security was the previous head of the Prison Directorate, and one ARENA parliamentarian was a retired coronel. People also changed their position over the course of the fieldwork. The interview list refers to the main position interview partners held at the moment of the interview. Occasionally, more than one interview was conducted with the same person; and sometimes two or more people were interviewed at the same time (see interview list in the appendix). I had no permission to record the nine interviews that took place inside prisons; therefore only written notes could be taken. In seven other cases, interview partners preferred not to be recorded, and in two cases the talk was not recorded due to technical issues. Except for one case in which notes were taken from memory after the conversation, I had permission to take notes during all talks.

conflicts about security policies can only be understood against the background of the historical polarisation between the Left and the Right.

Talks were roughly organised into four groups: 1) interviews about the FMLN security policy; 2) interviews about the reform process at the police; 3) interviews about prison reforms and the gang policy; 4) interviews about several of these topics and other security issues. Based on these types, they followed three previously developed interview guides, the latter type being a mix of the first types and other unrelated questions. The questions of the interview guides were developed according to the research question and research topics and sub-topics. After the first informative field visit, sub-topics were developed that would inform data collection and, at a later stage, data analysis. These sub-topics were allotted with indicators which would help develop concrete questions. Some examples of previously developed sub-topics and indicators are given below:

Sub-topic	*Indicators*
FMLN security policy	FMLN security understanding, development of the policy, shortcomings of the policy
Police reforms	Police training and formation, promotion and hierarchies, Community policing, monitoring mechanisms
Effect of deployment of military in prisons	Effects on safety, riots, gang activities, rehabilitation
Political decision-making process	Decision-making authorities, their legitimacy, their values and attitudes, legislative process, decision-making structures

During data collection and analysis some sub-topics turned out to be more useful than others; some were not useful at all because data was insufficient or difficult to gather, others had to be changed, and new sub-topics had to be added. The flexibility of this semi-structured data collection and analysis framework was necessary in order to examine security decision making in

depth. One of the main challenges of data collection was the need to re-adapt the research design in the light of the rapidly changing security environment without changing the whole research topic. A stricter framework with fixed sub-topics and standard questions would have failed to take into account the real-life context of Salvadoran policy making. Some of the most far-reaching security decisions were taken during the fieldwork period, often in reaction to (at least for the researcher) unforeseen events. Two decisions and events significantly altered the environment of security policy-making: The resignation of Security Minister Manuel Melgar in November 2011 which led to a change of personnel at various security institutions, and the truce between El Salvador's two major gangs, the *Mara Salvatrucha* and *Barrio 18* which went public in March 2012. Questions about these events and decisions were impossible to anticipate a priori. Therefore, interview guides were semi-structured and adapted to the specific situations. The concrete questions were also tailored to the interviewee's position and expertise. Sometimes questions were adjusted during the conversation if the interview partner revealed a certain area of knowledge that was not anticipated.[33] All interviews, except for one, were conducted in Spanish and usually lasted between 30 and 90 minutes.[34] They were transcribed by students of the Central American University (UCA) in San Salvador. All students were native speakers which increased the quality of the transcripts since I could have missed or misunderstood some content of the interviews due to language issues. In practical terms, having help in transcribing interviews saved a lot of time. To ensure the accuracy of the transcripts, I proofread the transcribed interviews while listening to the corresponding audio record.

In addition to the interviews, data was also collected through field observation. This includes observations of daily life with relevance to the topic while conducting research in El Salvador, observations during particular security-related events, and observations made within the context of interviews.[35] Observations of daily life provided an ethnographic perspective on the security

[33] On this specific advantage of semi-structured interviews see Bryman (2004: 320-333).
[34] All translations from Spanish to English in this work are by the author.
[35] Although I participated in some events with the particular objective to gain information by listening to the talk I refrain from calling this method participant observation since my role was more that of an observer than a participant. On the roles of researchers between participant and observer in ethnographic research see Gold (1958).

conditions in my immediate environment, e.g. occasional short talks to the security guards in the neighbourhood where I lived during field research, noticing the presence of soldiers patrolling on the streets, and the experience of taking the public bus which included a quasi-assault.[36] Participating in security-related events became another important source of information, as they not only gave insights into national and local debates on the issue and thus deepened my understanding of the complexity of security problems and their possible solutions. They also served as an excellent platform to establish contacts to potential interview partners. Among these events were: an event for the presentation of the PNC gender policy, two roundtables of the FMLN to prepare the security policy for the following presidential term, five public talks about particular security issues (e.g. the gang truce), and the municipal and parliamentary elections in March 2012 during which I participated as an official election observer for the *Iniciativa Social para la Democracia* (ISD, Social Initiative for Democracy), a national NGO which monitors the political culture in El Salvador.

Observations which were made in the context of conducting interviews also represent a source of information since in some instances the venue was of interest to the research. This is particularly the case for the three times where interviews were conducted in the prisons *La Esperanza* (or *Mariona* as most Salvadorans call it) in the capital San Salvador and *Apanteos* in the town of Santa Ana in the Western part of the country. Observations were also made during a visit to a re-integrative project for common (i.e. not gang-affiliated) ex-prisoners in Santa Ana, and during a meeting with two gang members at a re-integrative project in the periphery of San Salvador. All observations were noted in a research diary and used as additional information during data analysis. Schatzman and Strauss (1973) suggested that fieldnotes can be organised in three categories: observational notes which are statements gathered through watching and listening without interpreting them yet, theoretical notes which are attempts to derive meaning from observational notes, and methodological notes

[36] On the one hand, it is common for street vendors, street musicians, and beggars to get on the public bus and sell little things, do a performance, and ask for change (which is voluntary to give). On the other hand, buses are frequent targets of assaults. At the time of the truce, gang members developed the tactic to hop on the bus and ask for 'voluntary' financial support pretending that their 'regular' income (through extortions and robberies) had ceased due to the truce. During the quasi-assault I experienced, the gang members' presence created a strong atmosphere of threat on the bus; after almost all passengers had given some money, including me, they left.

which help the researcher reflect on the operational side of data collection. According to Schatzman and Strauss, this categorisation can happen either deliberately during fieldwork or in hindsight, as naturally notes fall within one of the categories. Either way, it is a useful method to trace and reflect upon the research process, and to develop propositions from the gathered evidence. For this research, those notes falling into the category of observational and theoretical notes were considered to be relevant for the analysis, while the methodological notes were mainly relevant during data gathering. Observational notes referred to the events and moments described above and were coded in the same way other materials were coded (see Section 4.4 below). Theoretical notes were mainly used during the process of data analysing and interpreting (Section 4.4).

A third method, besides interviews and field observation, was collecting and analysing documents. This served the purpose to complement information and impressions from the interviews and observations and to gain information on topics that were difficult to cover through interviews and observation. The most important documents were the FMLN's security policy, the *Política de Justicia, Seguridad y Convivencia* (PJSC, Policy of Justice, Security, and Living Together) in earlier and later versions. Added to these were policy papers from NGOs and state organisations (e.g. on the modernisation of the penitentiary infrastructure, state modernisation, police professionalisation, the human rights situation), newspaper articles,[37] legal decrees, crime and development statistics, surveys, and academic articles and books from Salvadoran researchers (which can be difficult to obtain outside of El Salvador). Except for the prison and social project in Santa Ana, all interview partners, events and archives were based in or near the capital San Salvador.[38]

[37] Most newspaper articles derive from the following Salvadoran sources: *La Prensa Gráfica*, a moderate-conservative, fairly independent newspaper; *El Faro*, an online newspaper with a critical, independent stance; *El Diario de Hoy*, a conservative newspaper; *Diario Co-Latino*, a small leftist newspaper; *ContraPunto*, a leftist online newspaper.

[38] Since nearly all interviews took place in San Salvador, references to interviews do only indicate the place when the interview had not been conducted in San Salvador.

4.4 Data analysis

All data, including interview transcripts, documents, and notes from the research diary, was organised around sub-topics, using NVivo software. This software is particularly useful in qualitative research as it allows for structuring large amounts of text (and audio) based materials. As described above, some of the sub-topics (or nodes, in the software language) had been developed previously, some emerged during data collection, and new sub-topics were added while organising the data.

Besides allocating the materials to specific nodes, nodes were categorised into four broad groups: material concerning the police, material concerning prisons and gangs, material comprising of other specific information (like the FMLN history) and materials that where relevant for the overall picture of security policy making (like interview responses that revealed a specific understanding of security). This made it easier to recognise patterns and relationships between nodes and provided the necessary overview over the different materials needed for each chapter or section.

Interpreting the data was a balancing act of distinguishing between facts and perceptions. First, I determined whether it was of more significance for the study to learn about an actual fact or about the perception of an interviewee. When the purpose was to learn about the facts of a particular situation or event and interview responses seemed to represent a personal opinion, I searched for additional facts to validate statements. However, at other points it was of more importance for the project to understand perceptions portrayed by actors. In these cases, the narrating line of interview responses was more relevant as it revealed how actors made sense of particular events or situations. This was for instance the case with the political polarisation of the Left and the Right and its effects on policing. To understand how polarisation affected policing, I had to get a sense of how decision-makers and police officers viewed their ‘opponents’.

As mentioned in the case selection, the choice to focus on specific policy decisions emerged from the data: during data collection, specific situations and events appeared to be decisive for the development of the security policy, such as the replacement of the Security Minister and the gang truce. Likewise, the

focus on relevant actors was guided by the aim to comprehend connections between decisions of policy makers and the environment in which these decisions were made. Based on this explorative mode, the subsections in both arenas were developed. For instance, for the power struggle between the government and the gangs, three aspects were found to be relevant: the deployment of the military to the prison perimeters, the anti-gang law, and the gang truce. These aspects structure the analysis of the decision-making process in the case of prison reforms (Chapter Ten).

4.5 Cultural sensitivity and ethical responsibility during data collection

4.5.1 Communication and informed consent in high and low context cultures

Most international research projects have to deal with cultural differences that impact on the relationship between researcher and participants. Ethical research principles such as informed consent, confidentiality and avoiding harm for participants and researchers are important aspects that need to be considered during research (Economic and Social Research Council, 2010, updated 2012, Social Research Association, 2003, British Sociological Association, 2002). Yet, little is written about cultural sensitivity in an international research environment although it is crucial for successful communication during data collection. Being aware of differences between the researcher's cultural background (German, affiliated at a British university) and the cultural background of most research participants (Salvadoran) was vital to avoid misunderstandings and create a positive research environment.

Edward Hall's (1976) classic work about high and low context cultures helps us reflect on how forms of communication vary among cultures. His book, Beyond Culture, has become standard literature for academics and practitioners of intercultural communication. Hall described high context cultures as cultures in which communication depends a lot on the context in which it takes place: often things are left unsaid, the meaning of words can only be grasped with sufficient background information. It describes communication between people who often

know each other well and for a long time, so they understand each other with a less verbally explicit form of communication. In such a context, face-to-face communication is important and decisions can be made dependent from the situation. Communication in low context cultures, on the other side, is made explicit, thus the content of the message is in the words that are said or written. In such an environment information is made accessible for people who do not necessarily know each other, i.e. in short term relations or communication in the public. Usually communication has a more stringent structure to make it understandable with less context knowledge.

Both forms of communication can be found in each society, in dependence of milieu, class, and education etc. However, in most societies there is a tendency to either high or low context communication. The first authors who categorised societies into high and low context cultures were Copeland and Griggs (1986). Although Latin American societies were not among Copeland and Griggs' categorisations, most intercultural trainings and textbooks of intercultural business communication refer to Latin America as high context cultures. By contrast, most western societies are considered to be low context cultures. Based on my own experience in Central America, I follow this assumption and consider communication in El Salvador to have a tendency towards a high context culture. The cultural background of the university at which the research project is based (British) and of my own origin (German) is that of low context cultures. In societies with a predominantly low context culture (like the UK or Germany) signs and written instructions play an important role. In high context cultures (like El Salvador) information is absorbed through the social context.

The different forms of communication in high and low context culture point to the deeper level of behavioural norms, Hooker (2003, 2012) wrote. He distinguished between rule-based and relationship-based cultures.

> Behavior in relationship-based cultures is regulated through close supervision by authority figures. This requires that authority be respected, and it therefore resides in persons with whom one has significant relationships, such as parents, elders, bosses (Hooker, 2012: 394).

Because relationships with authority figures are close, behavioural norms are usually implicit in the situation, Hooker noted. High-context communication is therefore more common in relationship-based cultures.

Low context cultures are rule-based, Hooker argued. In both types of cultures respect for rules plays a role. However, the motivation for respecting rules differs. According to Hooker, people in rule-based cultures respect rules for their own sake. The enforcement of rules does not depend on personal relationships to an authority figure. The result is low context communication, the author argued. In relationship-based cultures, respect for rules stems from respect for the authority who sets the rules. This goes along with closer supervision to guarantee the enforcement of rules.

Categorising societies into high and low context cultures bears the risk of cementing cultural stereotypes and overemphasising cultural differences in an increasingly globalised world. Therefore, high and low culture contexts should be understood as two different poles of a continuum rather than two contrasting concepts.[39] However, the concept serves the purpose of illustrating how cultural differences influence the research process. Three aspects are important to note: first, communication in high context cultures can be more successful if based on personal relationships. Second, oral communication is likely to be more successful than written communication in high context cultures. Third, in low context cultures rules work because they are spelled out explicitly. This, in turn, does not apply to high context cultures. In the case of obtaining informed consent, this means that writing the rules down and getting them signed is an acceptable strategy in the UK as it gives interviewees the opportunity for a deliberate decision to share information. In El Salvador a signed consent form alone is not enough. Obtaining consent needs to consider the context of the interview. A Salvadoran policeman will never base his decision to share information on a written agreement between him and the interviewer. The decision depends much more on situational factors such as the potential impact of the information, the relationship to his boss and not least the level of trust between him and the interviewer.

[39] Another problem is the simplistic western/non-western distinction. Deriving from a western perspective, the concept is not paying enough attention to differences between non-western cultures. Also, it is debatable whether rules determine communication forms or vice versa.

This means that it was not enough for me as the researcher to write the rules of the interview down in the consent form and get them signed but I had to 'play by the rules' the interviewee set or that were given through the interview situation. For example, we would meet at an agreed location but before the interview would happen we would drive around by car and I would explain my research in detail before heading to another location where the interview eventually took place. During another occasion the interviewee was accompanied by a photographer and two assistants who also recorded the talk to make sure I would use the information genuinely.

In the predominantly high context culture of El Salvador, I found oral communication more efficient than written communication for collecting data. The preliminary visit to El Salvador in 2011 revealed that the most effective way to approach interview partners was by establishing some kind of personal contact. Hence, gatekeepers played an important role for field access. In some occasions meetings were arranged by emailing and calling interviewees without the help of a gatekeeper. But in the majority of cases people were more open to a conversation when I was being introduced by someone they knew or when I had a chance to present myself and my research topic in person, for instance at the security events mentioned above. Gatekeepers and potential interview partners were identified by approaching experienced academics with contacts in the Salvadoran security sector, by re-activating contacts from previous work in the country, and by searching for contacts online as well as at the research site. Some characteristics of the Salvadoran society were supportive of establishing a network. First, El Salvador is a very small country and political life is concentrated in San Salvador. This means that not only the premises of many state and non-state organisations were in the same city but policy makers, academics, and NGO workers often knew each other and were able to direct me to further interview partners. Second, many people were open towards my requests and incredibly helpful in pointing me to interesting people, cases, and venues.

However, these characteristics and the delicacy of the research topic also brought obstacles and limits to the fieldwork. The disadvantage of the small political circle is the danger of disclosure of sources which could impact negatively on the physical safety and occupational integrity of the involved

persons. Therefore, apart from keeping all data confidential, interview partners could choose to remain anonymous if they wished. Likewise, some gatekeepers remain anonymous. All transcribers had to sign a confidentiality agreement and were also briefed in person not to talk to anyone about any content they had transcribed. Whenever possible, interviewees were given written information about the research project in advance so they could decide on their participation and on the amount and content of information they wanted to share. In some instances, unforeseen and unique occasions of conducting interviews opened and/or I was not able to contact interviewees in advance (see below).

Especially interviews inside prisons were difficult to plan in advance. On one occasion I had arranged an interview with the director of the penitentiary school who was responsible for the training of instructors who, in turn, trained the prison guards. At the end of the interview she suggested to visit the nearby prison *La Esperanza*, the country's largest prison, to see the on-site premises of their training and talk to the instructors. This was a unique opportunity, I would not have been granted access to prisons on my own, especially since my visit fell into the period when the military controlled the entrances (May 2010 – April 2012) and every visitor had to go through a rigid process of triple control at three gates, including a body search. The director of the penitentiary school decided which instructors could be interviewed and she was present during the conversation. I could not bring any item into the prison and was therefore given a piece of paper and a pen to take notes. The instructors were not made aware of my visit in advance, and even though I explained my research project and asked for their consent, I could not guarantee that their participation was actually voluntary. It is more likely that their consent was given out of respect for their superior. These circumstances have to be considered when analysing the information given in the interview (see Section 4.4 on how this was approached). I found myself in a similar situation during my visit to *Apanteos* prison. The trip to Santa Ana was arranged via the Human Rights Ombudsman Office (PDDH). This office, among other things, observed the human rights situation in the prisons by visiting the premises regularly and talking to inmates and employees. With the military controlling access to the prisons this routine was difficult to maintain. Since the human rights office was criticising the military's rudeness towards prisoners and visitors in their reports, the

relationship between the soldiers and the PDDH was rather hostile. Sometimes access was granted only after long negotiations. Under these circumstances, it was not possible to anticipate whether I could enter the prison by accompanying the PDDH and with whom I could talk inside the prison. Once I was allowed inside I sat in the conversations of the PDDH workers with prison employees and inmates and was given the chance to ask questions towards the end of their conversation. Similar to the interviews in *La Esperanza* inmates were chosen by the prison authorities. But even though they were keen to share their experiences, I could not ensure they were given the opportunity to consider their participation and any possible consequences thoroughly. The same applied for an interview with an ex-prisoner at the reintegration project in Santa Ana.

4.5.2 Safety issues

Safety issues for me as the researcher arose from the generally high levels of crime and violence in El Salvador and, particularly, in the metropolitan area of San Salvador where most data was collected. However, levels of violence and crime vary between neighbourhoods. It was therefore essential to live in a neighbourhood that was considered to be safe. Furthermore, the bulk of data was collected by interviews and document research on the premises of governmental, parliamentarian, non-governmental and international institutions that were protected by security personnel and special security mechanisms.

During the pre-fieldwork visit, I increased my knowledge about the city and its safe and less safe spots, so I could move with confidence. Using common sense and drawing on local knowledge also reduced risks. For instance, public transport was only used during the day and without carrying any items of value. In the one occasion of a quasi-assault it was best to do what all other passengers did, namely give my money to the robbers.

As described above, interviews inside the prisons were arranged through gatekeepers with profound knowledge who were well able to evaluate the risks of entering prisons. Inside the penitentiaries, talks took place in a safe spot, usually the director’s or employees’ offices. As for the gang members, I was fortunate to be able to talk to them during the period when the gang truce was

still fairly intact (March 2013). During this time leaders and members of gangs were relatively open towards talking to ‘outsiders’ since the truce was partially motivated by the wish of gang members to stop their exclusion from society. The gang members I talked to also participated in a social project which should help them create a legal income. I could therefore anticipate that their motivation to talk to me was benign. During the interview a gatekeeper who knew the gang members was present which further increased safety.

Carrying out interviews with the police and former police officials did not raise any particular safety issues for me. Due to their leading position and due to the way I approached them (i.e. being forwarded to them by gatekeepers, other researchers, and previous interviewees) most of them were experienced in talking to foreign researchers. This means they were usually straight forward in setting the conditions under which the interview had to take place in order for them to avoid any risks. This implied ‘playing by the rules’ of the interviewee as described above. However, anonymity and confidentiality were also vital and in several occasions interviewees preferred not to be recorded.

This chapter set out the design, methods, and concerns of the empirical research. Before delving into the case of FMLN security policy making, the historical and structural backgrounds of state responses to violence in El Salvador are explored in the following chapters.

5. Elites and accommodation in the process of state formation in El Salvador

5.1 Introduction

Chapter Five offers a historical narrative of modes of struggle and accommodation between economic, military, and political elites as well as other social forces in the process of state formation in El Salvador. Drawing on Migdal's state-in-society approach (Section 3.2.1) and on the notion of contested statehood (Section 3.2.2) this chapter argues that the Salvadoran state was shaped by processes of struggle and accommodation between various social and state actors. This contextual chapter looks at the historical roots of the lack of a legitimate state monopoly on violence in the process of state formation. It examines in particular the importance of economic and military elites, and the relative insignificance of political elites in controlling violence until the 1980s. To that end, the chapter explores the emergence of a rent economy through the formation of rural elites in light of the expansion of the coffee market in the late nineteenth century. It continues with delineating the tight relationship between military and economic elites during the military dictatorship from the 1930s to the 1980s, and the emergence of the ARENA party as the civilian representative of the interests of economic elites since the 1980s. The three sections of the chapter reflect this chronological order. Against the backdrop of the discussions about contested statehood the chapter shows that in El Salvador a state emerged in which many functions are not accomplished by state authorities. This chapter demonstrates that during the process of state formation in El Salvador, violence became an organisational means for different elites to exercise control. Furthermore, it shows that the use of violence as an organisational means of power did not lead to a centralisation of violence.

Historical studies about El Salvador are scarce due to the limited existence of history as a discipline at Salvadoran universities before the 21st century. Attempts to establish historical science as a subject at the National University of El Salvador in the 1960s failed due to the politically controversial climate (Prud'Homme, 2011). The lack of historical investigation was recognised by

scholars of the Jesuit Central American University who pointed to the larger problem of the absence of a historical tradition or school (N.N., 1979: 345-346, cited after Prud'Homme, 2011: 53). However, individual intellectuals studied and published about El Salvador's history and society, sometimes from exile. Examples for this are Rafael Guidos Véjar (1980), Rafael Menjívar (Guidos Véjar and Menjívar, 1978, Menjívar, 1980), and Knut Walter (Walter and Williams, 1993, Williams and Walter, 1997, Walter, 2002). Their contributions are considered in this chapter; two of them (Guidos Véjar and Walter) also shared their views during interviews for this study. Before the end of the civil war in 1992 some studies were published by foreign scholars from various disciplines, mostly English and American researchers, like David Browning (1971), James Dunkerley (1982, 1988, 1990), Jenny Pearce (1986), and Thomas Anderson (1971, 1988). Significant efforts to deepen Salvadoran historiography were undertaken after the end of the civil war. Since then the intellectual understanding about the Salvadoran past is expanding. Among the more recent historical, anthropological and sociological contributions the works of Aldo Lauria-Santiago (1999, 2004, 2005), Erik Ching (Ching et al., 2007, Ching, 2013), Héctor Lindo-Fuentes (Lindo-Fuentes, 1990, Ching et al., 2007), Patricia Alvarenga (1996), William Stanley (1996), Jeffrey Paige (1997), Elisabeth J. Wood (2000, 2003), and Jeffrey Gould (Gould and Lauria-Santiago, 2008, Gould, 2015) are particularly relevant to the study of elites, violence, and state formation in El Salvador.

5.2 The *cafetaleros*: rent creation through coffee exports

This first section explores the beginnings of the Salvadoran state in the late nineteenth and early twentieth century and its links to the emergence of a rent economy based on coffee export. It tracks the formation of rural elites through the expropriation of land from mostly indigenous peasants. Without access to land which was the country's most important resource, peasants were forced to work as temporary labourers on coffee farms. The social order was characterised by patronage networks controlled by a system of private vigilantism and the rural police (*Guardia Nacional*). Based on North's concept of limited access orders, the section finds that although violence during this period

can be characterised as dispersed, the existence of the rural police and private vigilantes functioned to discourage large-scale violence and thus guaranteed the creation of rents. Since 1900 the national army began to form which together with the *Guardia Nacional* was strong enough to violently suppress the peasant uprising in 1932. The peasant revolt had been a reaction to the economic grievances following the collapse of the world coffee market in 1929/1930. Despite these events, the social and economic order did not change. Instead, military elites took over the central political authority.

To understand the importance of the economic elite in the evolving state two aspects need to be stressed: first, land ownership and access to land were key issues in the tiny and densely populated country. Second, the expansion of coffee cultivation after 1870 is considered a crucial moment in creating a system of domination and subordination in the Salvadoran society. Most historians and anthropologists agree that the rise of the coffee plantations and the subsequent opening up to the international market through the export of coffee was the foundation of an economic elite that was exceptional in Latin America.[40] Small wealthy elites were not uncommon in the continent's history, however, the Salvadoran elite comprised an extraordinarily small number of families who managed to accumulate enormous sections of land and capital over the course of the 20th century.

As a nation state El Salvador is about 170 years old. Independence of Central America from colonial rule was proclaimed in 1821, but it was only in 1839 that El Salvador was first declared a nation state (Browning, 1971: 139). The decades between 1839 and 1890 were described as a politically chaotic period with frequent wars with the neighbouring emerging states of Guatemala, Honduras, and Nicaragua, as well as battles among different Salvadoran armed factions. During that time the coup d'état was the most common and frequently used mode of government change.[41] Politically, the period was marked by a conflict between liberal and conservative ideas. In this context, conservatism meant holding on to the colonial apparatus and supporting clericalism and

[40] See, for example, Browning (1971), Guidos Véjar (1980), and Menjívar (1980). However, Lauria-Santiago (1999: 228) pointed out that coffee was not the only source of wealth, and that other activities such as cattle raising, import trade, sugar and balsam production and export also contributed to the emergence of capitalist entrepreneurs.

[41] According to Lindo-Fuentes (1990: 62), 13 coup d'états took place between 1841 and 1890. See also White (1973: 265-266).

protectionism, while liberalists were usually supporters of positivism and, importantly, regarded the system of communal land of the indigenous populations as outdated (Dunkerley, 1982: 8).

The regime of liberalist Rafael Zaldívar (1876-1885) was the first stable government which showed elements of a state in the making as it managed to enforce rules regulating the access to land. Individual ownership of land was not known among the indigenous population before the Spanish conquerors arrived in the 16th century. Instead, land was used by the whole community. Families were probably periodically allocated a plot of land of the community, but the right to cultivate the same land over a long period of time did not exist (Browning, 1971: 16). The concept of exclusive ownership was introduced by the Spanish. Under colonial rule two basic forms of access to land co-existed (Browning, 1971: 87). *Ejido* and *tierra comunal* were forms of common land typically used by indigenous communities, whereas *haciendas* referred to private estates typically owned by the few Spanish settlers. This co-existence was not free of conflicts or of contradicting claims to land use. Browning (1971: 134) described how the Spanish settled amidst the indigenous communities and re-arranged patterns of land use by introducing new forms of farming and the cultivation of agricultural crops such as balsam, cocoa, and indigo. However, this system that – with variations – had lasted over the 300 years of colonial rule, changed significantly with the shift to coffee cultivation fostered by the Zaldívar regime.

When the trade with indigo as the major export product during the colonial period declined after 1860, the commercial value of coffee was soon recognised by farmers and politicians. Coffee required more investment in terms of financial resources and time than indigo, and environmental conditions for its growing were best above 1,500 feet. However, the mountains with their fertile volcanic soil were already densely populated by indigenous peasants. Therefore, the land reforms under the Zaldívar regime between 1879 and 1882 abolished communal land and strengthened private landholding in order to accelerate coffee production (Guidos Véjar, 1980: 45-66, Menjívar, 1980). Those who worked at the coffee farms, on the other side, were seasonal or permanent workers. Coffee export was only profitable through cheap labour supply which is why the state introduced laws about agricultural day labour. These stipulated

that landless peasants were temporarily employed during harvest time, while most of the year they subsisted on a small plot of land on the landowner's estate (Acevedo, 1996: 20, Pearce, 1986: 20-21). This principle was an expansion of the so called *colonato*, the feudal labour system developed at the haciendas during colonial rule (Dunkerley, 1982: 61-62). In addition, the laws stabilised and strengthened the central state. Alvarenga (1996: 33-36) described the perfidious logic behind the laws. She outlined that the positivists attributed much of the country's under-development to the indigenous peasants and denounced their system of land use as backward-oriented. The expropriation of land was equated with economic progress. Taking the communal land away from the communities changed the political relationship between the state and the peasants. Previously, any issues between the colonial state and the communities were negotiated with community leaders which kept the community's power and identity intact. But this power was built on their common use of land. The loss of land implied a loss of communal power and a corrosion of the peasants' identity. This, in turn, strengthened the new and instable central state because it became more difficult for the indigenous population to organise as a collective in dealing with any issues regarding the state (Alvarenga, 1996: 35).

Guidos Véjar (1980: 53-54) suggested that two groups possessed enough capital to become coffee producers and merchants. The first group was the so called *cafetaleros*, the new coffee elite, which comprised former indigo merchants and probably of urban residents with capital like traders, doctors, priests, and politicians. In addition, European immigrants with their technical and commercial skills integrated themselves quickly into the emerging elite (Paige, 1997: 15). These immigrants from countries like England, Germany, and Italy were usually single families or single men searching for new economic opportunities and attracted by the coffee boom. They established business and private connections, and marriage was a common way of both traditional colonial elites and new immigrants to build and strengthen kin groups (Paige, 1997:16). Most kin groups had their own enterprise and usually the families of each group had stakes in the enterprise. Since the coffee boom, elites and their enterprises diversified, but due to the strong family ties of enterprises it is possible to trace back the origins of many enterprises to just a few founders, as

the family trees in the studies of Eduardo Colindres (1977), Maria Albiac (1998), and Carlos Paniagua (2002) showed.

The land expropriation laws under Zaldívar transformed patterns of land ownership and access to land substantially and created a social conflict that was at the root of most political struggles since then. Zinecker (2014: 205-207) identified the establishment of the agro export economy as the beginning of El Salvador's rent economy. The rural elite emerged because the *cafetaleros* were able to create an agricultural rent, firstly, by controlling access to land which was the most important resource for coffee production, and secondly, by establishing a work system which relied on seasonal labourers. These labourers were previously independent peasants forced into a patronage system (see below for the role of patronage).[42]

Drawing on the model developed by North et al. (2009), we can see that a third mechanism existed which guaranteed the creation of rent: large-scale violence would have been counterproductive to the coffee economy, thus, rural elites had an interest in controlling and containing violence, as the following thoughts underscore.

Due to the lack of documentary record it is difficult to determine the general structures of violence in the Salvadoran society and the level of coercion in social relationships. The most prominent in-depth study is Patricia Alvarenga's (1996) analysis about the culture and ethics of violence in El Salvador 1880 – 1932 which focuses on the western highlands.[43] In addition, a number of recently published small scale analyses of historical material on specific topics like youth crime and crime against women exist (Dirección Nacional de Investigaciones en Cultura y Arte, 2011). Gomez and Herrera (2007) and Moreno's (2015) works must also be mentioned as they add to our knowledge on the phenomenon of violence in the history of El Salvador. Although these

[42] Economic theorists defined rents as excess incomes of inefficient markets: '[A] person gets a rent if he or she earns an income higher than the minimum that person would have accepted, the minimum being ususally defined as the income in his or her next-best opportunity' (Khan and Jomo, 2000: 21). Zimecker's definition of rent is based on Elsenhans' (2004, 2009) model of rent economies understood as non-market economies which function through rent and marginal, precarious work force (in contrast to market economies which function through capital and work as empowerment).

[43] Due to the higher density of population historical records about the western highlands are richer than those about other regions. Also, since coffee cultivation concentrated in this region, potential for violent conflict was higher, as the massacre of 1932 illustrates (see final paragraphs of this section). This, in turn, may have attracted more research.

studies do not necessarily provide us with a systematic analysis of patterns of violence, they demonstrate how entrenched violence was in social relationships *before* the violent decades of the military dictatorship and the civil war. In the introduction to their comprehensive compilation of essays on historical and contemporary forms of violence in El Salvador, Meléndez and Bergmann (2015) observed that violence existed as social practice or as an ordinary form to resolve disputes while, at the same time, it became institutionalised with the emergence of state institutions. This is an important observation as it points to the variety in the use of violence: on the one hand, violence was dispersed and widely used throughout the society. On the other hand, violence became an organisational means of control. As we will see below, these two aspects can be regarded as two sides of the same coin. Alvarenga's study provided some insight into this development, as discussed in the following paragraphs.

Alvarenga (1996: 102-104; 119) demonstrated that not only elites made use of violence but inside communities peasants also engaged in conflicts using physical violence. She suggested that peasants and labourers even used covert violence as a way to terrorise others: 'Covert terror is not a monopoly of the state, not even of the dominant classes because it permeates all of society' (Alvarenga, 1996: 33). In addition, it was common for elite factions to fight against each other. Whilst in some occasions landowners themselves went to shoot their rival, they often armed their labourers and sent them as proxies to fight against members of rival networks in conflicts about land and other matters (Alvarenga, 1996: 141). Besides these forms of violence as means to deal with disputes, there were efforts to organise violence. Before the rural police and the military were created, control over the workers at the coffee farms was sought through a private system of vigilantism. Landowners co-opted peasants as *comisionados* (commissioners) and *auxilios* (assistants) who would not only report irregularities but also the workers' performance and whereabouts. Whereas for the *comisionados* this was a full time job, *auxilios* were peasants who controlled their fellow workers for a very small salary for only a few hours per week (Alvarenga, 1996: 89, 91). In this way, landowners were able to co-opt a relatively high number of peasants to control each other. Even after the rural police (*Guardia Nacional)* was founded, the 'private police' of the *cafetaleros* kept operating. The repressive character of private vigilantism is revealed in the

covert punishment. Delinquencies such as the stealing of coffee would not be dealt with in public. Instead, (violent) punishment usually took place without witnesses, but still with everyone knowing about it. The practice of covert violence sought control by creating fear and uncertainty. Landowners were most likely more efficient in using violence for their means than peasants and labourers because they could draw on their support network and allied patrons.

Before the system of patronage is explained in the following section, it should be noted that the creation of the National Guard was the beginning of a system of control which served the rural elites to establish and maintain an economic system based on agricultural rents. However, while the *Guardia Nacional* was a sign of the increased organisation of violence, their creation did not imply the centralisation of violence. The National Guard was founded in 1912 as the rural police force and existed until their dissolution in accordance with the 1992 Peace Agreement (Walter and Williams, 1993: 14). Modelled on the Spanish *Guardia Civil* its members were contracted by the government. It clearly was a militaristic police force which received its weapons and ammunition from the Ministry of War. Moreover, its officers were drawn from the *Escuela Politécnica*, the first military academy established in 1900 (Guidos Véjar, 1980: 125). De facto, the *Guardia Nacional* worked for the landowners of coffee estates and were paid a supplementary salary by them which created a mercenary relationship, as Stanley (1996: 48) noted. Their tasks comprised the enforcement of laws, enforcement of the prohibition of trade unions of rural workers, and administrative work for landowners (ibid.). As is shown below, they played an important role in impeding the autonomous organisation of peasants and in containing violent uprisings such as the 1932 and, thus, guaranteed the continuance of the limited access order (North, 2009).

North maintained that in social orders based on rent-seeking and limited access to resources and means of organisation, personal relationships were central in creating order. Horizontally elites cooperate with other elites to create stability. Vertical relationships are typically (but not exclusively) characterised as patronage networks (North et al., 2013a). In El Salvador allegiance started to be

shaped around patronage networks with the emergence of coffee farms and the formation of work relationships that created unilateral dependencies.[44]

Erik Ching's (2004, 2013) work shed some light on the question how allegiances were formed at the coffee plantations. He argued that political conflicts primarily took place between rival patronage networks. These patronage networks were often rooted in class relations but they were also built on religious, ethnic or family foundations. He based his findings on materials that describe the fight for control over local electoral office in the western highlands between 1880 and 1940. Elections were largely a competition between patron-client networks in which aspirants (patrons) needed sufficient supporters (clients) at their command. These included people from their personal network, but also other patrons who joined them to build a larger network. Support came in the form of votes, but also through human and material resources in case competition turned violent which often was the case. This process of bonding could stretch from the local to the regional and national levels like a pyramid of networks. It represented a common way of forming alliances not only prior to municipal elections but throughout the political life in the country. Patronage networks constituted the political system of El Salvador, Ching (2004: 55) wrote. With regard to the establishment of elites, this would imply that patronage networks not only contributed to the accumulation of economic power. They were likely to be a decisive feature for the creation of political elites. How this worked out in exact terms is not entirely clear. Holden (2004: 59) for example explained the frequent changes of governments in the nineteenth century with the origins of the presidents in a limited number of patronage networks. According to the author, a change of the presidency did not necessarily induce a change of the whole patronage network. However, the frequent changes of governments could also be an expression of conflicts

[44] Hilgers (2012: 7) defined patronage or clientelism as a long-term relationship of unequal power between persons with access to resources on one side and those without access to resources that support the former in exchange for certain benefits. Clientelism is based on exchange and personal relationships, Hilgers noted. According to Clapham (1982), clientelism is 'a mutually beneficial, if unequal exchange between a patron and a client whereby the patron offers protection and access to services to his clients in exchange for their support' (cited after Kraushaar and Lambach, 2009: 10). The terms of patronage and clientelism are often used interchangeably in most of the literature. Erdmann and Engel (2007) suggested that there is a difference regarding the number of people involved: whereas clientelism refers to individual relationships between patrons and clients, patronage refers to relationships between an individual and a bigger group. However, both terms describe the same system of dependency, and they are used synonymously here.

between numerous elite factions. In either case persons with political aspirations did not only need capital but also a support network. Only economic elites were able to organise and provide sufficient support by drawing on their labourers. Presidents without such a network usually did not manage to stay in power for more than a few months.

Until 1931 all presidents assuming power had a background in the coffee economy (Paige, 1997: 14) which guaranteed rules and policies being shaped in the interests of the *cafetaleros*. Between 1913 and 1931 the Quiñonez-Menéndez clan usurped power (Dunkerley, 1982: 13). The existing patronage system allowed members of this one family to be elected and appointed as presidents uninterruptedly for eighteen years. In contrast to the turbulent and violent political changes of the nineteenth century, the smooth power changes within the same Quiñonez-Menéndez network marked a period of relative stabilisation. This continuity allowed for the expansion of the coffee market and lasted until the world financial crisis in 1929. During that time the share of coffee as an export product rose from 56% in 1890 to 96% in 1931 which means that the country's entire export economy centred on coffee (Wilson, 1978: 209).

Besides the expropriation laws of the Zaldívar regime and the expansion of the coffee export under the Quiñonez-Menéndez clan, the formation of the military was a third important factor in the formation of a state that was subordinated to the interests of the oligarchy. After the creation of the National Guard military structures further became institutionalised with the establishment of national military academies (the *Escuela Politécnica* was substituted by the *Escuela Militar* in 1927). These developments implied a certain degree of centralisation of violence control and thus more state power, a fact that became evident in the concerted reaction to the planned uprising in 1932.

The army's and guard's capacity for large-scale violence unfolded in *La Matanza* (the slaughter), the brutal oppression of a planned uprising of indigenous peasants in 1932. During the course of the world economic crisis in 1929 the coffee market collapsed and Salvadoran coffee production declined sharply. At this time coffee prices dropped by 57% (Dunkerley, 1982: 22). As a consequence wages of plantation workers reduced by 50% (Wood, 2000: 228). The cautious political opening under Presidents Romero Bosque (1927-1931)

and Araujo (1931) allowed students, workers, and peasants to organise themselves in trade unions, the Communist party, or student movements to express their discontent. In the politically heated climate of workers protests, demonstrations, and their subsequent suppression, General Maximiliano Hernández Martínez took power through a coup d'état in December 1931. The coup further accelerated popular mobilisation particularly in the centre and the western parts of the country. The insurrection did not take place as planned since most ring leaders were arrested in advance, including Farabundo Martí as the most prominent revolutionary leader who inspired guerrilla groups in 1980 to name their organisation after him. However, in January 1932 in the western departments of El Salvador a number of towns were captured by revolting peasants mostly armed with machetes and a few guns (Dunkerley, 1982: 27). The revolt was answered by unprecedented violence that saw the army and National Guard kill thousands or perhaps tens of thousands of people through mass executions.[45] Most of the victims were indigenous, and many were not involved in the events at all. In the aftermath of the massacre any expression of indigenous identity was prohibited which almost led to the entire extinction of the indigenous culture in El Salvador.

Scholars who understood the social conflict in El Salvador as a class conflict interpreted the elites' attitude as fear of communism (Paige, 1997: 105-126). In other literature, like Ching's study referred to above, the importance of local conflicts and the fear of organisational autonomy of peasant communities was highlighted. Based on his analysis of electoral competition Ching (2013: 16) found that indigenous peasants, similar to elite networks, started organising themselves politically with their own electoral candidates. Interpreting the events against the backdrop of North's theory, the world economic crisis in 1929 was an external shock strongly impacting on the Salvadoran export economy and causing instability of the social order. The bifurcated social order of rent-seekers and precarious labourers was vulnerable because elite factions disagreed about the political course. While Presidents Romero Bosque and Araujo sought reforms, the landed elite sought to continue with the existing order. The organisation among peasants was preceded by this elite power

[45] Exact numbers are not available, estimates range from 10,000 to 30,000. For accounts of the 1932 massacre see Anderson (1971), Paige (1997), and Ching et al. (2007).

struggle which intensified disorder. The rebellion and the previous call for reforms created the impression among elites that organised opposition and social reforms endangered the socioeconomic order of rent-seeking and therefore needed to be suppressed. General Martínez Hernández and the military were ready to deliver the kind of suppression the landed elites were looking for. This was the beginning of a pact between economic and military elites which William Stanley (1996) called the 'protection racket state' and which guaranteed the continuance of the existing order.

5.3 The military dictatorship (1931-1984) and economic elites: struggle and accommodation in the light of popular resistance

This section depicts the struggles between military and economic elite factions during the military dictatorship (1931-1984) and shows that despite some conflict they had a shared interest in maintaining the existing order. Based on Migdal's (2001) claim of mutual accommodation between the state and social forces, it is argued that the militaristic state accommodated the interests of conservative economic elites (and vice versa) in order to prevent popular rebellion. This pact generated some stability but, drawing on North et al. (2009, 2013a), it was vulnerable to external shocks due to the diversification of elite interests and the emergence of the urban middle class. Similar to the world economic crisis in 1929, the international economic crisis of the 1970s threatened the Salvadoran rent economy and fuelled the organisation of popular resistance. The literature shows that resistance was increasingly responded to with violent means, escalating into state terrorism with extraordinarily high numbers of killings between 1977 and 1982. In 1980 the conflict between the militaristic state and popular forces escalated into civil war.

With Martínez Hernández claiming presidency in 1931, the military became the central political authority for the following five decades. But the literature shows that the military accommodated the economic interests of the oligarchy. To understand how this pact worked and why it broke down in 1979 it is important to note the diversifying elite interests in the light of economic modernisation, and the existence of two different currents within the military. As shown below,

hardliners and reformist officers formed alliances with different factions of the economic elite, generating significant disagreement about the economic order.

Since the 1950s, economic modernisation was sought by a diversification of export crops and the expansion of the manufacturing sector in order to promote trade within the Central American region (Bulmer-Thomas, 1987: 150). In addition to coffee, cotton and sugar cane became major export crops (Acevedo, 1996: 21). The more active role of the state in economic policy developed into a highly protectionist policy. Parallel to the agro export model, the economy was boosted by import-substitution industrialisation (ISI) in the 1950s. This was a common development model for Latin American countries prior to the neoliberal era of free trade zones. ISI aimed to increase domestic production of industrial goods in order to balance the import of foreign goods. It was designed to create more independence from foreign currency fluctuations. However, it was implemented by a state policy of tax exemption and discretionary changes of tariffs. Thus, huge investments in industrial infrastructure led to a capital-intensive industry (Acevedo, 1996: 182, Bulmer-Thomas, 1987). Similar to the coffee sector, ownership of these state-subsidised firms concentrated in the hands of a part of the oligarchy (Colindres, 1977: 129) (see below). The same development was observed for the diversification of agricultural export products. Like coffee, cotton and sugar cane needed large estates to grow which led to a further concentration of land. According to the 1971 agricultural census, 49% of agricultural lands were cultivated by only 1.5% of farms, while 20% of the lands were operated by 87% of farms (Acevedo, 1996: 21). Export crops came from the small number of large estates controlled by the rural elite, while small farms were used for subsistence agriculture. Hence, the modernisation process did not alter the concentration of wealth, as the works of Montoya (1998) and Colindres (1977) demonstrated. Instead, the symbiotic relationship between subsistence and export agriculture guaranteed the continuation of the rent economy.

Modernisation processes and economic alterations between the 1950s and the 1970s induced some diversification of the oligarchy. Family enterprises increasingly concentrated on a specific area within the coffee business such as growing and production, marketing, or export. Wood (2000: 232) described the traditional landed elite involved in the growing of coffee as the group that was

more conservative and opposed to changes in land tenure and wages. The divergence of economic interests became evident with the foundation of ABECAFE (Salvadoran Association of Cultivators and Exporters of Coffee) in 1961. ABECAFE was the business association of those families who built their business on coffee processing and export (Paige, 1997: 187). These exporters, organised in ABECAFE, formed the so called agro-industrial group, which is described as being more open to political and economic change and with having diverse business interests (Wood, 2000: 232). Both moderate and conservative business elites extended their activities beyond coffee on other emerging sectors like finances, commerce and service. A third group developed with the emergence of the urban middle sector at the beginning of the twentieth century. As economic change had begun to generate greater social differentiation the urban middle class grew (Acuña Ortega, 2004, Parkman, 1988). Descendants of Middle Eastern immigrants focused on the commerce and service sectors which concentrated in the urban areas. These medium-size businesses neither belonged to the agrarian elite nor to the agro-industrial elite. However, the urban middle sectors were not able to challenge the economic hegemony of agrarian and agro-industrial elites. In 1971 two-thirds of the equity capital was owned by the 36 landowners with the largest estates, who controlled about one third of the country's top 1,429 firms (Dunkerley, 1982: 53).

It was the conservative elite who allied with hardliners in the military to secure their economic interests against reform plans of junior officers. The hardliners were mainly officers heading the security forces (National Guard, National Police, and Treasury Police), the intelligence apparatus (Salvadoran National Security Agency/ANSESAL and Nationalist Democratic Organisation/ORDEN), and rural army posts (Wood, 2000: 231, Williams and Walter, 1997: 97).[46] They did not tolerate any political liberalisation of the regime and did not hesitate to crack down opposition violently.

Reformist officers were more open to carry out various reforms that were not necessarily in the elites' interests. Wood (2000) and Williams and Walter (1997) distinguished between two currents of reformists: one group of officers was more independent from the oligarchy but still supported the continuance of

[46] All forces were subordinated to and led by the military (Costa, 1998: 27). The intelligence organisations were paramilitary forces with strong links to the military (see below for more details).

military rule. These were mainly junior officers from the urban lower-middle and middle class. Another small group of officers was ready for structural reforms and political liberalisation.

Patterns of cohesion and division among the military were also shaped by the so called *tanda* (cohort) system. Introduced in 1948 this informal system guaranteed that officers graduating from the academy were eventually promoted - usually simultaneously with all officers from one class (García, 1992). By moving up the hierarchy together and by giving the assurance that such promotion would take place independent of the officer's performance it was hoped that intergenerational strife would reduce. However, the system did not overcome all intergenerational conflict as the coup of junior officers in 1979 showed (see below). As long as the military ruled the country, this meant that usually a whole new *tanda* would take over power when a previous *tanda* retired. One effect of the system was that there was a high degree of cohesion within each rank which proved to be decisive for decisions as to who would rule the country. García (1992: 97-98) described the pattern that developed whereby a *tanda* would stay in power as long as junior officers did not manage to oust them. The long periods of leadership by *tandas* caused an incoherent progression in which several classes of officers were skipped. One such case was the decision of President Romero (1977-1979, *tanda* of 1948) to give key government positions to officers from the 1955 *tanda* instead of choosing those *tandas* (1956-1958) which previously had served under President Molina (1972-1977). These displeased officers were important supporters of the junior officer's coup which ousted President Romero in 1979 (they also thwarted the coup, see below) (Walter and Williams, 1993: 96). Another influential *tanda* was the class of 1966 which due to its large size was called the *tandona* (large cohort). The *tandona* had taken over all troop command positions by 1989 with René Emilio Ponce as chief of staff (1988-1990) and later as Minister of Defence (1990-1993). As military hardliners, members of the *tandona* were widely involved in human rights violations committed by the military during this period which caused widespread international outrage (see Section 6.2 for more details). Garcia (1992) and Walter and Williams (1997) agreed in their research that with the *tandona* the armed forces experienced unprecedented levels of corruption and disunity which lowered the chances of winning the civil war.

From the military's perspective, this disunity contributed to a negotiated solution of the civil war in 1992 (along with other factors which are explained in Section 7.2).

In the effort to maintain political power the military exaggerated the threat of rebellion. Stanley (1996) called this a 'protection racket state' since it was an effective way to pre-empt economic elites from challenging military rule. However, resistance against the unequal social order imposed by the economic elites and guaranteed by the militarist state grew throughout the twentieth century. In the 1940s the urban middle sector's discontent led to the ousting of Martínez Hernández. Under the impression that Martínez' politics were increasingly aimed at securing his own position, resistance against a fourth term began to grow among junior officers in 1943. They found allies among urban workers and students, and financial support from bankers and merchants. The opposition which conspired to overthrow Martínez was initially defeated. However, their defeat provoked a popular protest that forced the dictator out of office.[47] In the following years and decades, the military tried to put itself forward as the institution that was pursuing national development – in other words, it tried to build a state. However, scholars underscored that political action was characterised by impulsive reaction rather than long-term strategic thinking (Stanley, 1996: 69-70). The military failed to react upon the demands of various sectors of the society, especially of the lower and middle class. Although the military government tolerated the existence of small political parties, it did not tolerate electoral competition by opposition parties. From the mid-1960s political parties were used by military governments to create a façade of representative democracy (Álvarez, 2009: 10). These parties were called *oficialista* parties which could be translated as 'controlled by the government'. They were an instrument of the military as became clear in moments such as the overt electoral fraud in 1972. An alliance of opposition movements called the National Opposition Union (UNO) competed with the military government's *oficialista* Party of National Conciliation (PCN).[48] The Christian Democratic Party (PDC) which formed part of the UNO during the 1972 elections and contributed

[47] Parkman (1988), cited in Stanley (1996: 58-64).
[48] UNO was an alliance of the National Revolutionary Movement (MNR) with leader Guillermo Ungo, the communist National Democratic Union, and José Napoleón Duarte. Ungo later became member of the First Revolutionary Junta in 1979 and Duarte was elected as president in 1984 (Section 5.4).

substantially to its popularity, attracted significant support from the new urban elites during José Napoleon Duarte's term as mayor of San Salvador (1964-1970) (Wood, 2000: 230). Duarte had gained a reputation of being sensitive to popular demands and of being proactive in community development. On this basis he was supported by urban political grass-root organisations. The PDC promoted democratic competition and sought economic reforms in favour of a more liberal order (Stanley, 1996: 78-79). The next section (5.4) shows that, in the 1980s, with strong backing from the US, the PDC developed into an alternative between military hardliners and the oligarchy on one side, and the guerrillas with the support of the rural and urban poor masses on the other side. Back in 1972 UNO most likely won the majority, but votes on the ballot papers were changed by hand. PCN candidate Molina was announced as victor by the Central Elections Committee and the Legislative Assembly confirmed Molina in a brought forward session (Stanley, 1996: 89, Dunkerley, 1982: 85). Such electoral practices demonstrated the will to politically exclude any substantial opposition (Álvarez, 2009: 9).

The stability of the pact between military and oligarchy was undermined with the economic crisis of the 1970s. Disagreement among the elite factions and discontent among the population turning into organised resistance eventually terminated the mutual accommodation of elite interests. In the mid-1970s the economy suffered by the fall of world coffee prices due to the international economic crisis. In addition to the decline in wages that followed this crisis, the living conditions in the countryside had deteriorated in previous years due to the further concentration of land for agro-export trade (see below). President Sánchez Hernández and his successor President Molina sought to counterbalance the social effects of this development by implementing modest agrarian reforms to allow for a very limited redistribution of land. Resistance by both the landed and agro-industrial elite was prompt and effective, as Dunkerley (1982: 65) noted. The National Association of Private Enterprises (ANEP) was founded in 1966 specifically in order to counter the government's increasing involvement in the economic elite's interests (N.N., 2011a). Together with the most prominent association of rural elites at that time, the Farmers' Front of the Eastern Region (FARO), ANEP mobilised their allies within the military to

oppose Molina's reform attempts.[49] They publicly lobbied against the plans, set up an independent vigilante group, and even manipulated the exchange rate by taking large amounts of capital out of the country. The redistribution was never realised, and reformist tendencies among the military experienced a severe setback. This example was not a unique case, but it represented a pattern of the relationship between military leaders and economic elites: conservative elites drew on their alliances to military hardliners to counter reform efforts of the reformist army officers (Wood, 2000: 231).

The concentration of land and the process of import substitution industrialisation had significant effects on the social structure. The number of rural families without land tripled between 1961 and 1971 which ultimately affected almost 30% of all Salvadoran families (Gordon, 1989: 56). In addition, the war with Honduras in 1969 forced many Salvadoran agricultural workers that had lived in Honduras to return to El Salvador which made the land issue an even more existential problem. Hoping to benefit from the expansion of the commerce and industrial sector, many rural families migrated to the urban centres, especially to San Salvador. Although modernisation efforts led to an expansion of the urban middle sectors, the flow of these newly arriving migrants could not be absorbed. Unemployment, marginalisation, and low salaries which were further fuelled by the effects of the world economic crisis on the manufacturing and industrial sectors, were the consequences (Álvarez, 2009: 9, Dunkerley, 1982). While deteriorating living conditions in the countryside led peasants to organise in co-operatives, discontent also grew among the urban population. In the urban centres students, workers, and labour organisations gained momentum. With the spread of liberation theology in Latin America factions of the powerful Salvadoran Catholic Church started taking sides with the poor by pointing to the injustice of the social and economic system and distancing themselves from the regime (see Chapter Six for details about the role of the church during the insurrection). Influenced by the revolutionary culture of other Latin American countries, first and foremost by the victory of the Cuban revolution, an increasing part of activists believed that armed rebellion was the only way to achieve a change of the economic and political system (Álvarez, 2009: 10).

[49] ANEP developed into one of the most powerful Salvadoran business associations; its continuing influence on government policies is shown in the empirical discussion (especially in section 9.3.2).

Initially organised in five different organisations, these groups later joined forces and became the FMLN (see Chapter Six for more details about the organising resistance). The electoral fraud in 1972 was repeated in a similar manner in 1977. Along with the refusal of the military government to make any concession to the demands of peasants and workers this underscored that neither political participation nor a change of the socioeconomic situation were an option within the existing regime. Under this impression popular movements radicalised, generating significant support for guerrilla organisations (Álvarez, 2009: 10).

As the popular movement and guerrilla organisations gained momentum, suppression by state security forces increased, and the years between 1977 and 1982 were marked by an extraordinary high number of killings. The majority of grave human rights violations reported to the Truth Commission (murder, torture, disappearances) had been committed by the armed forces (46%) and also to a considerable amount by the security forces (National Guard, National Police, and Treasury Police).[50] The military hardliners (security forces, intelligence, rural army posts) were the main agents of state violence. They were supported by the oligarchy both implicitly (through the oligarchy's pact with the military dictatorship) and directly (through financial means). The two major paramilitary forces ANSESAL and ORDEN were mostly active during the 1960s and 1970s. ANSESAL was founded as intelligence organisation for the security forces and the army in 1961. It was the 'brain' of the security system, centralising the information from the investigative sections of all security forces and operating out of the presidential palace (Pearce, 1986: 91). ORDEN was created in 1963 and served as rural intelligence agency, supplying ANSESAL with information (Costa, 1998: 38). Its military core comprised about 10,000 members but it relied on a vast network of informants which was estimated to have between 50,000 and 100,000 members (Dunkerley, 1982: 76). Both organisations quickly expanded and became infamous for their assassination and terrorisation of the population. They were disbanded under the revolutionary junta in 1979 (see below), but in fact kept operating as death

[50] The Truth Commission was set up in the post war Peace Accords to uncover human rights violations committed during the civil war (Section 7.2). The National Police was the urban counterpart to the National Guard which mainly operated in the countryside. Since the FMLN was primarily based in the rural and mountainous parts of the country where they also had started to gain popular support, violence in the rural regions was particularly ferocious. Not surprisingly, most accusations about grave human rights violations were directed against the National Guard. The Treasury Police was founded in 1933 and functioned as customs control

squads (Costa, 1998: 40). One of the most prominent leaders and organisers of the death squads was the ex-military officer Roberto D'Aubuisson, the later founder of ARENA. Agrarian and industrial elites contributed actively to an escalation of violence by financing and logistically supporting death squads (Wood, 2000: 240). Testimonies in the Report of the Truth Commission stated that landowners and businessmen offered their estates, vehicles and bodyguards to support the death squads (Wood, 2000: 241). In addition, wealthy Salvadorans who had left the country (many of them living in Miami and Guatemala) funded the death squads, especially those associated with D'Aubuisson. Their continuance as semi-clandestine forces was one indicator of how the state had built a security system which it did no longer control entirely. This did not only concern the intelligence agencies. Lauria-Santiago and Stanley agreed that the military and security forces operated with substantial autonomy. Stanley (1996: 164-165) found that no functioning chain-of command existed in the army and the security forces. Thus departmental and zone commanders were unable to control the security forces. Instead, lower ranks of the security forces were often servile to local patrons. Lauria-Santiago described how reformist officers failed to regain control over the security forces after the 1979 coup which contributed significantly to the worsening of state violence in the following years. He wrote that:

> [b]etween October 1979 and 1982 the center of gravity of the state itself shifted from the traditional executive and was restructured more clandestinely. It fragmented into diverse centers of power, including, notably, regional military commands (Lauria-Santiago, 2005: 95).

This local autonomy of the military and security forces means that efforts to centralise state violence had existed (although no effort was made to legitimise state violence) but with limited success. While state violence increased in the late 1970s and early 1980s, it remained dispersed. In the attempt to prevent disorder which threatened the creation of rents, economic elites relied on state-sponsored violence mostly committed by military hardliners. However, the following section shows how reformist officers took the lead during the coup in 1979 which marked the end of the pact between military and economic elites.

5.4 ARENA as the civilian representative of economic elite interests

This section delineates the changing relationship between the military and economic elites. The coup of junior officers in 1979 and the subsequent rule of the revolutionary juntas gave the impulse for the oligarchy to gain direct political power, re-establish political stability, and secure the continuance of the rent economy. However, in the light of violent suppression of any political participation and ever increasing state terrorism, resistance against the regime radicalised and became organised under the FMLN. In 1980 a civil war broke out. The involvement of the US, which backed the civilian PDC ruling between 1984 and 1989 but also strongly supported the military, ultimately prolonged the war. Towards the end of the war convictions had grown among the Salvadoran elites that peace and electoral competition were more conducive for creating the necessary stability for economic recovery and development. To that end, ARENA became the political representative of the oligarchy which paved the way for a different kind of accommodation between the state and economic elites.

The relationship between the state and the economic elites began to change when the revolutionary junta came to power after a coup of junior officers in October 1979. The revolutionary junta which was formed in the aftermath of the coup comprised both military officers and civilians. Among the civilians were representatives from the communist organisation *Foro Popular*, from the moderate faction of the private industry, and the director of the Jesuit Central American University (UCA) (Stanley, 1996: 134). For the first time since General Martínez took power in 1931 civilians who had not been appointed by the military took up key positions in the Salvadoran government. The statement released by the reformist officers in the night of the coup announced social and political reforms that were unprecedented in their scope. It was a call for reforms of the agrarian, finance, and foreign trade system to ensure a more equitable distribution of wealth; it was also a call for free elections, respect for human rights, and the end of violence (Stanley, 1996: 267-269). However, hardliners among the armed forces and the more conservative wing of the economic elites strongly opposed these initiatives. The junta could not hold their ground against the opposing forces. The first revolutionary junta was followed

by a second (January – March 1980) and third junta (March – December 1980), both of which were alliances between the military and civilians. With the second junta, the PDC and Duarte became part of the government, strongly supported by the United States who made military aid contingent on the Salvadoran's high command's acceptance of the PDC (Stanley, 1996: 183).

In March 1980 the third junta issued an agrarian reform decree to expropriate land larger than 500 hectares and transfer it to the employees of the estates. The employees were organised by the state in co-operatives, in a later phase of the reform process the beneficiaries should become individual owners of small plots (Kowalchuk, 2004: 188). Landowners with large estates lost significant amounts of land during the initial phase of the reforms, and as was to be expected, resistance against the continuation of the reform process was high. The planned transfer of land from estates smaller than 500 hectares was successfully blocked by the agrarian elite. However, the maximum amount of individually owned land was now by 245 hectares and landowners were given three years to adjust to the new regulations which were defined in the 1983 constitution. Yet, this timeframe of three years provided enough time to find ways to circumvent the law, as Kowalchuk (2004: 189) found. One day after the first land reform decree a second decree was passed that nationalised all banks and loan institutions, which threatened the power base of agro-industrial elites. A third measure that heavily impacted the economic elites was the nationalisation of the export coffee trade that started with the founding of the National Institute of Coffee (INCAFÉ) in January 1980. Whilst the nationalisation of the banking sector was difficult to reverse, INCAFÉ was opposed bitterly by the agrarian elite (De Rosa Ferreira, 2011: 23, Paige, 1997: 194-195).[51] The process revealed some estrangement between the state and economic elites. The call for profound reforms by the junior officers of the first revolutionary junta, the reforms in the agro-export and banking sector under the second and third revolutionary junta in 1980, and the economic elites' opposition to the PDC marked the end of the pact between the military and economic elites.

[51] Shortly after Alfredo Cristiani, a coffee grower and businessman, was elected as president, the institute was declared unconstitutional and dissolved. The new organisation, the Salvadoran Coffee Council, was much more lax with regulations, and the coffee trade basically was in the hands of coffee elites again (Paige, 1997: 197).

What did not change, however, was the military's presence in the state and the violent suppression it enacted upon the population. According to Walter and Williams (1997), junior officers not only committed tactical errors but had a limited vision of reforms since the military's institutional predominance in the Salvadoran state and the foundations of the economic order were not to be changed. In addition, the juntas were not capable of controlling the security forces' violent campaign against the Left (Stanley, 1996: 180, Lauria-Santiago, 2005: 95). This explained the lack of support from the popular movements and guerrilla organisations whose vision comprised a complete change of the social and economic system towards a socialist order, and whose social base suffered most under the ferocious violence.[52]

The juntas proved to be unable to contain the increasingly violent conflict between repressive state forces and the guerrilla movements. In 1980/1981 the civil war broke out and about 30,000 people were murdered by state security and paramilitary forces between 1980 and 1982 (Vickers, 1992: 30). Walter and Williams (1997: 114) noted the paradox of increased civilian influence in governance and the on-going strong presence of the military at the same time. They explained this through the military maintaining its institutional strength and expanding their networks of control in the countryside (far away from the central government) (Walter and Williams, 1993: 55, 1997: 118).

In 1984 the Christian Democratic Party (PDC) won the elections, not least due to the support of the United States who had helped to set up the PDC as the moderate alternative to both the extreme Right and the FMLN (Vickers, 1992: 28). Against the background of the Cold War, the US sought to prevent the victory of the left and opted for a policy that aimed to strengthen a government with more legitimacy than the military dictatorship. The US had significantly contributed to the strength of the military and security forces since the 1950s (McClintock, 1985), and it continued to support the military throughout the civil war of the 1980s. However, its policy began to change in the light of increased concerns from US Congress and the international community regarding the army's and security forces' records of human rights violations. It aimed at strengthening the regular army as a counterweight to the paramilitaries and

[52] Accounts of the historic Salvadoran Left's world views can be found in various autobiographies, e.g. Díaz (1988), Regalado (2011). For a brief summary see Álvarez (2009).

security forces while at the same time supporting the PDC as civilian government (Stanley, 1996: 194). Karl (1992) showed that this strategy of maintaining a low-intensity warfare against the FMLN whilst promoting a PDC government which was not strong enough to address economic grievances against resistance of the elites ultimately failed. More than this, it prolonged the war since it produced a stalemate between the FMLN whose force was underestimated and the US-backed Salvadoran military.

The PDC which had already participated in the revolutionary juntas was the first non-*oficialista* party in government, i.e. it was the first party that was not a string puppet in the hands of military leaders (Wood, 2000: 234). Being a reformist party with some popular support, the PDC government under President José Napoleón Duarte (1984-1989) was strongly opposed by the conservative elite (Stanley, 1996: 188-189). With the PDC in place, they felt that their interests were no longer represented by the government. They perceived themselves as trapped between the attacks of the FMLN and the Duarte government which they considered to be a threat to their economic dominance (Galeas, 2013: 89-90, De Rosa Ferreira, 2011: 23).

This situation forced economic elites to rethink their strategies to secure power. In addition to the political changes, the costs of the civil war threatened economic productivity. Rettberg (2007: 262) delineated the oligarchy's recognition that a peaceful environment was more conducive for their enterprises. While the 1970s already marked a period of economic decline and crisis, the Salvadoran economy further deteriorated during the war. El Salvador's high dependency on few export products made the economy volatile to foreign economic developments. Higher world inflation, a rise in petroleum prices, and a decline in regional and international demand of the country's export products led to a serious shortage of foreign exchange (Segovia, 1996c: 32-34). Exports to the Central American Common Market fell by 40% during the 1980s (Rettberg, 2007: 470). Added to this must be the infrastructural costs of the war which have been estimated between US $ 1.5 billion by the Ministry for Economic and Social Development in 1992 (Segovia, 1996c: 31). Many businesses had to close, leading to higher rates of unemployment and underemployment and to a drop of real Gross Domestic Product (GDP) by 24% between 1979 and 1982 (Segovia, 1996c: 34). Part of the FMLN's war strategy

was to sabotage production facilities and infrastructure, and abduct business executives which hampered the industrial process and created uncertainty and anxiety among the economic elite. These developments combined with the economic restraints experienced through the nationalisation of the banking and coffee sectors as part of the junta's reform package, caused significant capital flight in the early 1980s. From the business sector's perspective, the state's economic policy in the form of import substitution, an overvalued exchange rate, and the nationalisation of the banking sector in 1980 had completely failed (Murray Meza, 1992). On the other hand, Segovía (1996c: 43) pointed out that throughout the 1980s the private sector resisted any meaningful tax reform that would have helped to counterbalance the increase of external debt. Instead, the government cut public spending by 14% between 1980 and 1990.[53] Thus, the deteriorating economic situation reinforced the tremendous effects of the war on the population, especially with regard to migration, internal displacement, and poverty.

The country being largely dependent on foreign aid, it was USAID that implemented the new economic model that was promoted by the Washington Consensus. In short, it envisaged export diversification, trade liberalisation, increased economic competition, and a limitation of the state's role in the economy. As the PDC government resisted to adopt this neoliberal agenda, the business elite's think tank FUSADES was boosted with $100 million to promote the new strategy (Segovia, 1996c: 42). FUSADES was closely linked to the agro-industrial elite that already had diversified their economic activities into commerce, industry, and financial services. This group was the one most open to economic change, but the implementation of the new model was believed to require the end of the armed conflict and electoral competition (Rettberg, 2007: 470). The coffee grower Alfredo Cristiani was co-founder of FUSADES and a representative of this 'modern' business elite (Paige, 1997: 189).

The moderate faction of the economic elites were not convinced by ARENA's initial extreme right positions under founder D'Aubuisson, and it was only when Alfredo Cristiani became presidential candidate in 1984 that the hard-line

[53] This affected, for example, education and the public health sector. The defence sector was excluded from the austerity programme; military expenditures almost tripled between 1980 and 1984, and in 1992 military spending was still beyond the level of 1980 (Segovia, 1996c: 43, 306-307).

nationalist and anti-communist ideology was exchanged for a line of more economic pragmatism (Paige, 1997, Wood, 2000: 243-246). Despite Cristiani losing the elections against Duarte in 1984, ARENA kept growing and was capable of gaining support from the middle sectors and small business owners. Cristiani winning the Salvadoran presidential elections for ARENA in 1989 provided the moderate economic elite with the necessary political power to pursuit economic stabilisation and modernisation. Under Cristiani the neoliberal model was adopted as the new national economic policy and peace negotiations were initiated (7.2). Economic elites had exchanged military rule for a civilian political party as their new ally.

This chapter showed that during the process of state formation in El Salvador in the nineteenth and twentieth century, violence became an instrument for elites to exercise control. These elites predominantly comprised economic and military leaders. Political elites only gained importance with the beginning of the transition from military to civil rule (i.e. the transition to democracy, as the next chapter articulates). Exercising control by using violence guaranteed the maintenance of the rent economy in which only elites had access to resources and large parts of the population were excluded from economic participation. However, the use of violence as an organisational means of power did not lead to a centralisation of violence. Instead, violence remained dispersed and widely used by various state and social forces, including the army, the paramilitary, security forces, FMLN combatants, and radicalised sections of the popular movement (for the latter two see following chapter). Insignificant political power and decentralised violence summarise the circumstances under which the Salvadoran state was formed. This describes what contested statehood means in the case of El Salvador. Returning to Risse's (2011: 4) definition of statehood as 'institutionalised rule structure with the ability to rule authoritatively […] and to legitimately control the means of violence' (Section 2.1.3), this thesis argues that for most of the twentieth century a vacuum of political power existed in El Salvador. This means that no authority emerged capable of enforcing rules which were not bound to the interests of economic elites, i.e. which were directed towards the interests of the majority of society. In the process of regime change which began in the 1980s and continued with the Peace Accords, the rule structure of state institutions ought to be strengthened. But throughout this

process the question of whose interests the state should serve remained highly disputed. Before turning to the consequences of a state with decentralised violence and a rent-seeking economy for the post-war order and showing the contestation of state practices in the case of security provision (Chapter Seven), the following chapter looks at the FMLN using violence as a guerrilla organisation.

6. Genesis of the FMLN: from an armed guerrilla to a political party

6.1 Introduction

Understanding the history of violence in El Salvador requires explaining the FMLN's use of violence as an insurgent group. In this chapter the development of the FMLN is portrayed from building military and ideological power to building political power. It is argued that for the FMLN as guerrilla, as for the oligarchy and the military, violence was an organisational means. However, in contrast to the military and security forces, violence was used in a very different quantitative dimension. That is, much fewer violent acts are attributed to the FMLN compared to the magnitude of terror committed by the military and security forces before the Peace Accords. In contrast to the oligarchy, for the FMLN building power was not connected to securing the rent economy but to changing the economic and political order and to defending against violent state repression. The chapter also highlights the FMLN's roots in large popular organisations comprising of peasants, students, unions, and churches. The history of the FMLN and its transformation from an insurgent group to a political party as a result of the Peace Accords has been studied in detail by numerous authors, both Salvadoran and foreign researchers. The FMLN's development and political work in the aftermath of the Peace Accords is less examined in the current literature, but some studies give insight into the process of the FMLN forming an identity as a political party. Based on Mann's categorisation of the different sources of power and on Migdal's concept of power struggle, it is argued that as a non-state actor the FMLN as guerrilla built ideological and military power to challenge the state's predominance in guiding people's lives (Section 6.2). After the regime change, the FMLN turned into a state actor, and built political power in a long and difficult process. The party's roots in the popular organisations and its claim to work toward political and economic change are the historic background against which the FMLN formed an identity as a left party. Inherent in this identity is the claim to build a state which is responsive to the needs of those large parts of the population which are affected by poverty and violence. As political party in opposition it had given up

military power, but ideological power is the constant variable that continued to play a role (Section 6.3).

6.2 The formation of the FMLN as armed guerrilla

According to Mann (1994: 47), ideological power builds on norms, concepts of meaning, and aesthetic and ritual practices. It is organised as sacred authority, i.e. it relates to a transcendent form of authority that is beyond secular structures. Among the examples of ideological power Mann cited, religion and Marxism are the ones that apply specifically to the ideological power the FMLN built on: while the main 'ideological driver' of the Salvadoran revolutionary movement was Marxism, the FMLN would not have become such an important force without the influence of liberation theology which was spread by parts of the Salvadoran Catholic Church, as is shown below. The FMLN was formed in October 1980 by four guerrilla organisations, and a fifth organisation joined the group in December 1980. As mentioned in Section 5.3, the guerrilla organisations had emerged in the 1970s as a reaction to the military regime ignoring demands for economic and social changes and suppressing political participation. Each guerrilla organisation was closely linked to a popular organisation. The so called *movimiento popular* (popular movement) comprised student, peasant and workers unions, political parties, and sectors of the Catholic Church. These organisations were central for the five guerrillas to recruit new members and to create broad support within the Salvadoran society for their purpose of armed rebellion (see below).

As described in the previous chapter, El Salvador was under military rule between 1931 and 1984, and economic power rested with the small oligarchy whose wealth was built on coffee export and beginning in the 1970s on industrial goods. The close alliance between economic and military elites guaranteed the maintenance of a social and political order that excluded large parts of the population from access to land and goods, and denied the exercise of civil rights. As shown earlier, in the 1960s the military government acted upon demands for more political participation by establishing *oficialista* parties and tolerating other political parties in the attempt to pre-empt unrest. During this short period of slight political opening, influenced by the Cuban revolution and

social-Christian activism (see below), urban workers also began to organise themselves in unions and parties. This activism was accepted by the military and oligarchy to a certain degree in the urban centres where the power base of the rural elite was not challenged (Byrne, 1996: 24-25). However, as social and political organisations gained momentum and sought change of the political system through the elections in 1972 and again in 1977, the military-oligarchic alliance reacted with fraud and, from the social organisations' perspective, blocked the legal path to political and social change.

In the countryside, where the majority of the population lived, political organisation was not tolerated by the dominant landed oligarchy (Byrne, 1996: 24, Pearce, 1986: 68-91). The National Guard effectively controlled and silenced the rural population since the brutal oppression of the 1932 peasant revolt. In the 1960s, the National Guard was supported by the paramilitary organisation ORDEN (Section 5.3). Questions of land reform and higher wages for seasonal workers remained unaddressed and continued to trigger discontent among the rural population.

Given the presence of intimidating security forces in the countryside, the development of a strong peasant movement which contributed essentially to the strength of the revolutionary movement seems surprising. It was the ideological power of the Salvadoran Catholic Church that helped raising awareness for social injustices among the peasantry.

The Latin American Bishops' Conference in Medellín in 1968 marked the beginning of the theology of liberation, an opening of large parts of the Latin American Catholic Church towards the poor and towards the continent's burning questions of social injustice (Segunda Conferencia del Episcopado Latinoameriano, 1971, Dussel, 1983). Parts of the Salvadoran Catholic Church**,** namely the Jesuit fraternity and the Archdiocese of San Salvador, took the new theological thinking seriously and set a focus on pastoral work through the education of lay priests and the formation of Christian base communities in many parts of the country. These Christian communities became very active in the education of peasants and workers. (Pearce, 1986: 109-122, Binford, 2004, Purrer Guardado, 2012: 52). Through its work this progressive sector not only fostered the democratisation of the church, it also contributed to the

politicisation of their members and to an increased awareness of social injustices and inequalities (Purrer Guardado, 2012: 52). This process of education and politicisation of peasants eventually led to them becoming organised in order to push for their interests and defend themselves against the oppression of the oligarchy and its security apparatus.[54] These peasant organisations played a crucial role in creating the mass popular organisations which represented the social base for the guerrilla organisations, although relationships between guerrilla organisations and popular organisations differed with regard of the degree of autonomy of popular organisations (see below) (Byrne, 1996: 29). Referring to an interview with FMLN senior commander Facundo Guardado, Byrne (1996: 35) estimated that by the end of the war, about 95% of FMLN combatants were peasants.

As the economic situation deteriorated in the late 1960s and early 1970s (Section 5.3), discontent grew not only among peasants but also among workers and students and led to a series of protests and strikes. The government did not tolerate this form of 'uncontrollable' activism and reacted with violent suppression of the strikes. This, in turn, fuelled the radicalisation of parts of the popular movement and political youth, especially of the younger members of the ruling PDC and of the Communist Party (PCS) who were disillusioned by the futile strategy of peaceful political struggle of their parties (Dunkerley, 1982: 87). For example, the teacher's union called for a strike in February 1968 in which many teachers, university students, and secondary school students participated and which was supported by other worker unions. The protest was violently suppressed by security forces and resulted in two union members being murdered and 30 leaders of popular organisations being incarcerated (Álvarez, 2009: 12). This open violence of the military government represented a turning point for the popular movements, especially for those with students and teachers among their ranks. One direct consequence of the incident was the creation of the first guerrilla organisation, the Popular Forces of Liberation 'Farabundo Martí' (FPL). At that time, the Communist Party that had been founded in the 1920s, preferred participation in the political system over armed insurrection. Dissatisfied with the PCS' rejection of the armed struggle, a fraction of the PCS, including its Secretary General Salvador Cayetano Carpio

[54] For detailed accounts of this process see Pearce (1986).

left the party in 1970 and created the FPL. The FPL followed the strategy of prolonged popular war, whereby it would slowly gain support of the masses in the countryside before taking power in the capital city and establishing a 'popular revolutionary dictatorship' (N.N., 1981: 17-18, cited after Dunkerley, 1982: 91). This meant it did not seek to control the peasant movement but encouraged peasants and workers to organise themselves (Pearce, 1986). The FPL was particularly active in the department of Chalatenango. It was one of the two largest guerrilla organisations during the war, the other one being the Revolutionary Army of the People (ERP) (Artíga-González, 2006). Dunkerley (1982: 91) wrote: '[It] was to remain the largest, most consistently radical and influential force on the left over the ensuing decade'.[55] The PCS gave up on its position of social change through political work only in 1979, and created its own military wing, the Armed Forces of Liberation (FAL) (Artíga-González, 2006: 52).

The ERP was founded by Catholic university students, the Communist Youth – also former members of the PCS –, and former members of the PDC in 1972 (Álvarez and Orero, 2014). Many supporters were from the middle class, among them many females and many with an academic background (Allison and Álvarez, 2012: 92). In contrast to the FPL, the ERP did not advocate an independent peasant movement but sought to create an insurrectionary army in a rather short period of time (Pearce, 1986). Its stronghold was in the department of Morazán which, like Chalatenango, was one of the poorest regions in the country. El Salvador's famous poet Roque Dalton had also joined the ERP but was assassinated by his own comrades due to a conflict over the strategic orientation of the group (Dunkerley, 1982: 94). In response to Dalton's murder Dalton's supporters left the ERP and founded the Armed Forces of National Resistance (FARN) in 1975, later known as National Resistance (RN). This guerrilla group had broad support from the popular organisations, especially the union sectors and radical parts of the Catholic church (Álvarez, 2009: 14). The RN's focus was on urban warfare and on political work (Allison and Álvarez, 2012: 92).

[55] After an internal conflict between Carpio and Anaya Montes which culminated in the murder of Anaya Montes and the suicide of Carpio, Salvador Sanchez Cerén, became the FPL's leader in 1983. Sanchéz Cerén is the President of El Salvador since 2014.

The Revolutionary Party of Central American Workers (PRTC) was a regional party with a small branch in San Salvador. Its military division was the Revolutionary Armed Forces of Popular Liberation (FAR-LP) whose members came mostly from the University of El Salvador but also comprised dissidents from the ERP and the PCS. Similar to the other guerrilla groups the PRTC maintained close links to Communist unions and some of their prominent members came from Catholic student movements that were strongly influenced by Liberation Theology (Zinecker, 2004: 42).

All five guerrilla organisations were the product of a cycle of violent repression of the military dictatorship and increased radicalisation of the popular movement. Byrne (1996: 33) summarised the major strategies of these five groups in three key points:

> 1) to embark on a political-military struggle to overthrow the regime, prioritizing armed struggle and rejecting elections […]; 2) to link guerrilla warfare with broad-based political organizing and to create mass popular organizations to incorporate diverse sectors into the struggle for a new society; and 3) to place a major emphasis on organizing peasants and rural workers as a key to bringing about change in a largely agrarian society.

By 1980, all guerrilla organisations had already gone through a process of forming, splitting up, and re-organising themselves. They had developed their own command structures under which they had operated for several years. In hindsight, the numerous groups of popular and guerrilla organisations (not all of which are mentioned here) appear slightly confusing. Considering the frequent splitting up and re-organising of the militant groups, it seems surprising that they managed to unify in one umbrella organisation, the FMLN. In fact, the command structures of the five organisations were maintained within the FMLN (Zamora, 2003: 52). The structures shaped the internal struggles of the group not only during the war but also in their later years as a political party (see next section).

The main motivation for the groups to join forces in 1980 was to gain military power. This was primarily motivated by the urge counteract the growing violent repression of the state security forces. The number of assaults rose dramatically during the 1970s: between 1972 and 1976 state security forces

were made responsible for 37 political killings and 69 disappearances. Yet, for the time between 1977 and 1979, 461 political killings (Instituto de Derechos Humanos: 1,476 political killings) and 131 disappearances were recorded (López Vallecillos, 1979, Instituto de Derechos Humanos, 1988, cited after Lauria-Santiago, 2005: 96).[56] Secondly, by the late 1970s military struggle was considered by all groups as the only option to bring about political change.

Surprisingly little is written about the FMLN's justification for using violence. Zamóra's (2003: 70) rather detailed and reflective account of the FMLN's history addressed the issue tersely in just one sentence (in which he also referred to the rejection of violence after the FMLN's conversion into a political party):

> Finally, the discussion about the method of struggle in the eighties was resolved practically to the extent that everybody agreed to do it. Today the question is also resolved practically to the extent that the entire FMLN has accepted democratic and peaceful means as the method of struggle and rejects violence as a way to gain power.

As the quote shows, the question of violence was resolved in 'practical' terms: everybody used it.

A more considered explanation – probably the most common one – is offered by Pearce (1986) and Lauria-Santiago (2005). It goes along with the reasons of unification of the guerrilla groups given above. The mobilisation of broad support for the FMLN was not only possible because armed rebellion was considered to be the only option left for social and political change but because there was the wish to counter state terror. While the military dictatorships of the 1970s considered state terror as instrumental to suppress opposition it had a counter effect, as Lauria-Santiago (2005: 92) pointed out. Even reformist and formerly inactive opposition radicalised, and guerrilla organisations recruited even more members. The same pattern applies for peasant activists as Pearce (1986: 177-184) showed. Experiencing that all peaceful and legal attempts to demand an improvement of their working conditions were met with violence,

[56] Numbers of political killings and disappearances rose exponentially in the following years of civil war, especially in the first half of the 1980s. Between 1979 and 1984, 41,769 political killings and 3,805 disappearances were recorded (Lauria-Santiago, 2005).

peasants started to defend themselves. After the failure of the FMLN's military offensive in San Salvador in 1980, the FMLN retreated to the countryside and began building a logistical rear-guard (Pearce, 1986: 208). Its stronghold in the mountains relied on support from the rural population. It is debatable whether having the FMLN present in the villages served as a protection mechanism or whether it exposed the population to more violence. On the one side, supporting the FMLN was often the only way to counter state violence. On the other side, FMLN strongholds were frequent military targets of the government who did not distinguish between civilians and rebels.

Some of the readiness for armed struggle might be owed to the 'zeitgeist'. Revolutionary movements in other Latin American countries, most notably Cuba and Nicaragua, had an explicit impact on the formation of the Salvadoran movement. The victory of the Sandinista Front in Nicaragua in July 1979 was both a tremendous motivation and model to follow for the Salvadoran movement (Dunkerley, 1982: 119, Artíga-González, 2006: 53). It showed that it was actually possible to overthrow a regime through armed resistance and thus nurtured the revolutionary plan of armed insurrection. In El Salvador, the revolutionary culture was further legitimated by the memory of the 1932 uprising and massacre, as Lauria-Santiago (2005: 91) pointed out. After all, the movement was named after one of the leftist leaders of the 1932 insurrection, Farabundo Martí.[57]

The radicalisation of the popular organisations did not progress without debate. Especially within the leftist, progressive sector of the Catholic Church, the question of whether armed or peaceful opposition ought to be preferred was not resolved. Among the most pertinent voices calling for a peaceful settlement were those of Archbishop Oscar Romero, his successor Archbishop Arturo Rivera y Damas, and Ignacio Ellacuría, rector of the Jesuit Central American University (Whitfield, 1994, Purrer Guardado, 2012, Tombs, 2012, Gould, 2015). The military regime did not distinguish between the different perspectives on the conflict within the church, instead the engagement of the Jesuits, the Archdiocese, Christian social groups, and numerous lay priests represented a provocation for the military regime. The ideological power of the church that

[57] The same holds true for the Right which named a death squad unit after General Martínez in 1970, as Lauria-Santiago (2005: 91) pointed out.

previously served the military-economic alliance to maintain its political and economic power was now used to contest the regime. As with the unions and peasant organisations, suppression by the state was fierce, and many members of the Church were persecuted, tortured and killed or forced into exile. The killing of Archbishop Oscar Romero in March 1980 had an escalating effect on the conflict since it demonstrated the regime's ruthlessness and further encouraged the guerrilleros' choice of armed struggle. Ironically, it was the brutal killing of Ellacuría together with five other Jesuit priests, their housekeeper and the housekeeper's daughter in 1989 which contributed to the de-escalation of the war, as it caused international outrage and led the US to reduce military aid for the Salvadoran government and strengthen diplomatic efforts. The clerics' calling for a negotiated settlement helped re-opening the path towards dialogue between the conflict parties.[58] But until then armed insurrection and, after 1981, prolonged war were the method of choice of the FMLN (González, 2011b: 148).

The Truth Commission's report (1993) showed the huge difference in the pattern of violence used by state forces on one side and the FMLN on the other side. Victims of FMLN violence were often mayors, right wing intellectuals, state officials and judges who were considered to be military targets, traitors, informers, and opponents. Acts of violence were rather targeted and comprised executions, enforced disappearances, and forced recruitment (Commission on the Truth for El Salvador, 1993: 37). Some killings also took place among the guerrilla ranks. The armed forces, National Guard, National Police, and paramilitary forces, on the other hand, used large scale violence *systematically* to intimidate the population and eliminate any opponents and collaborators – either real or suspected. Apart from executions and disappearances, torture was a frequently used practice of violence.[59] Almost 85% of all complaints received concerned state agents and paramilitary forces, while only five per cent of complaints were directed against the FMLN (Commission on the Truth

[58] Much has been written about Romero's unusual life and social commitment, e.g. Delgado (2008). For the sometimes underestimated role of Archbishop Rivera y Damas see Purrer Guardado (2012). For excellent portrays of the life and impact of Ellacuría and the Jesuits see Whitfield (1994) and Gould (2015).

[59] 20% of complaints related to torture (Commission on the Truth for El Salvador, 1993: 36). Not all forms and acts of violence were investigated by the Commission, as for example acts of sexual violence were not included despite its occurrence (Tombs, 2006).

for El Salvador, 1993: 36).[60] It is important to keep these statistics in mind when addressing the question of violence committed by the FMLN. However, the FMLN *was* a conflict party of the Salvadoran civil war and as such a part of the spiral of violence and counter-violence. As Byrne (1996: xi) put it: '[t]hat the weight of moral responsibility is not equally shared does not alter this dynamic [of violence and counter-violence].' That is to say, the FMLN drew on military power to achieve its goal which was to change the regime. Reversing the means and turning from coercive to political power was a long and difficult process.

6.3 From militants to political work

Fuelled by the process of suppression, radicalisation, and polarisation, the cycle of violence and counter-violence led the country into civil war from 1980 onwards. Byrne (1996: 69-100) characterised the years between 1980 and 1983 as military escalation on both sides. However, while the emphasis of the FMLN's two-fold strategy of military and political action was certainly on military action during this time, political work regained momentum after 1984. Two reasons vindicate this turn (Byrne, 1996: 105): first, it was interpreted as a defensive response to the strength of the Salvadoran armed forces, backed by seemingly infinite military support from the US. Second, it could be understood as the FMLN's endeavour to re-gain broader popular support, especially in the urban centres which had turned into the government's stronghold (Pearce, 1986: 206-208). The FMLN thus intensified its ideological and political work with the local population. At the same time, the war continued and the FMLN repositioned itself, envisaging a prolonged battle instead of a rapid victory through insurrection (Byrne, 1996: 105).

The FMLN's readiness for dialogue with the opposite party developed slowly during the second half of the 1980s, as González (2011b: 151) and Zinecker (2004: 44-52) showed. During this time, military action was still the dominant strategy of the revolutionaries but the FMLN realised that dialogue also represented a useful strategy. It would strengthen its position as an official

[60] The Truth Commission only considered cases between January 1980 and July 1991. The large number of acts of violence committed in the late 1970s is not included in the Report.

conflict party, the FMLN would gain popular support from those who rejected the method of armed struggle but sympathised with the political ideas, and, at least for some factions within the FMLN, it represented an alternative way of realising their political aims in the future should a military victory become impossible. Manning (2008: 118) suggested that the 1989 presidential elections provided another incentive for the FMLN to strengthen their political profile. Although the FMLN did not participate in these elections, the participation of another centre-left coalition was tolerated and signalled a potential opening of the political arena.

However, a negotiated settlement was only considered a serious option after the conflict parties had realised the military stalemate. The FMLN's military offensive in November 1989 underscored that the FMLN had considerable military strength but, similar to the armed forces, was not capable to defeat the other party (González, 2011b: 151). A number of other reasons which are explained in the following chapter eventually contributed to the successful settlement of the war with the signing of the Peace Agreement on 16 January 1992. Details of the demobilisation process and the FMLN's conversion into a political party were stipulated in the Peace Accords. With the accords, a paradigm shift of the relationship between state and violence occurred. While the state previously used violence as an instrument of suppression, citizens now ought to be protected from violence. This is explained in detail in Chapter Seven. In terms of the FMLN we can recognise a notable change that it undertook by disbanding its military structure, renouncing violence and becoming a political party. Such a transformation is quite outstanding as various authors underscored, since research showed that it is not uncommon for wartime coalitions to break up during the peace process or after negotiated settlements (Atlas and Licklider, 1999, Lounsbery and Cook, 2011, Allison and Álvarez, 2012). What is also remarkable about the transformation is the FMLN's changed relation to the state. The raison-d'être of the FMLN was the battle against the Salvadoran military in order to overthrow the political regime. Now, after the Peace Accords, it aimed for becoming a part of the very same political system it had previously combatted. This required the FMLN to build a new identity as a party and to learn how to use political channels to raise their concerns (Allison and Álvarez, 2012: 98-99).

Finding an identity as a political party did not occur without the loss of members and whole factions. The conversion required the FMLN leaders to convince, firstly, its military base, and secondly, those leaders who resisted to give up on the revolutionary project, to submit themselves to an electoral democracy – initially without the prospect of becoming the ruling party. Not everyone within the FMLN was willing to follow this path, instead many militants struggled in finding their way back into civil life and part of the leadership left the party over ideological differences. Reintegration of ex-combatants has been a lengthy and incomplete process. In the Peace Accords, the ARENA government promised to care for ex-combatants with housing and job programmes, yet Zinecker (2007) and Spence and Vickers (1994a) pointed to the poor design and insufficient implementation of the programmes.[61] However, it was not just the government that did not prioritise ex-combatants. A former FMLN member expressed his dissatisfaction with the FMLN regarding the neglect of ex-combatants:

> [M]any people were abandoned. They gave them a pittance, a small plot of land. And the whole issue of the veterans, of the war wounded, [...] nobody cared about them. Ten years had passed and many people were still without pensions.[62]

The relationship between the base and the leadership of the FMLN also concerned the numerous activists from the popular organisations that supported the FMLN during the conflict. In an intriguing study, Pirker (2007) showed how these activists struggled to find their new place in the democratic regime. While the political space for participation had opened up, many of the social problems were not resolved with the Peace Accords. Hence, there were numerous potential topics that could be addressed by civil society organisations. However, the conversion from clandestine, semi-legal, or illegal activities in the context of a revolutionary, left subculture towards expertise-based, transparent, and efficient NGO work required time. It implied replacing the ideological imperative

[61] This view was confirmed in an interview with a former FMLN leader: 'Imagine me after 22 years of fighting. 22 years! [...] I was 40 [at the time of] the Peace Accords. So you tell me, imagine, if you lost your family, if you don't have ... you have to start looking for a home, looking for a job because not all of us were fortunate. I can tell you that I have been fortunate to have been in public office, at least in recent years; for A or B reasons I've been there. But for the comrades who had to return to the countryside to cultivate the land it was not easy, especially since agriculture in this country was not a priority for governments […]'. Interview with FMLN security expert R58, 14 March 2013.

[62] Interview with Ricardo Ribera, 09 March 2012.

with the technical imperative, as Pirker (2007: 26) put it. In addition, today's organised civil society in no way matches the quantity of people engaged in the popular movement during the conflict. Chapter Eight underscores the positive input from the civil society in developing a security policy and the FMLN's hesitation in addressing security issues. In this context, it was not only the FMLN as a Left party that was slow in developing a security approach due to security being considered as a topic that is typically owned by the Right. But the slow transformation of the civil society after the war was another factor that delayed the serious engagement with citizen security.

Apart from the military base, differences about the party's identity rose among the leadership, too. The five organisations continued to share the same rights and the same number of representatives among the party's leadership after the FMLN was formed as a political party by statute in 1993 (Spence and Vickers, 1994b, Allison and Álvarez, 2012). Among these factions, different views existed about which political path the party should take. The ERP's and RN's vision of social democracy that had overcome Marxism-Leninism was not shared by the FPL, PCS, and PRTC. Based on this underlying dispute the ERP and RN left the party in 1994 (Manning, 2008: 124). Among the leaders who left the party in the 1990s due to ideological differences, was Dagoberto Gutierrez (PCS-FAL) who signed the Peace Accords. He found clear words to express his disappointment:

> When we signed the political agreements, the FMLN no longer existed, it was already dead. [...] Once the war had ended the state produced a political party which was also called FMLN, but that had nothing to do with the FMLN anymore […].[63]

The conflict over the party's orientation towards strict Marxist socialism or moderate social democracy continued, even after the five organisations dissolved officially in 1995 to create more unity within the party (Allison and Álvarez, 2012: 103). Two opposing wings emerged within the FMLN that remain until the present. The orthodox wing still identified with the revolutionary movement and comprised members of the PCS, led by Schafik Hándal

[63] Interview with Dagoberto Gutierrez, 27 March 2012.

(presidential candidate in 2004) and of the FPL around its leader Sánchez Cerén (El Salvador's president since 2014). The reformist wing took on a more pragmatic, moderate approach to democracy and comprised those members of the ERP and RN who had not left the party, including former ERP commander Raúl Mijango (who played an important role in mediating the gang truce in 2012, see Chapter Ten), the PRTC, and some FPL members around Facundo Guardado.

Zamora (2003), Manning (2008), and Wade (2008) show that the split between the orthodox and reformist wings became deeper with each election. All three authors maintained that the internal division was not just about ideological tendencies but also about individual power of the leaders, party structure, and the fractions' 'practical orientation towards electoral politics' (Manning, 2008: 125). The orthodox wing has strong ties to specific social sectors, relies on a loyal electoral base that finances the party with their dues, and favours a centralist party structure with rigid adherence to the party line by all members. The reformist wing tends towards a model of party professionals that concentrate on winning elections. It maintains close links with interest groups who finance the party, and has a pluralist, discursive understanding of the party (Manning, 2008, Wade, 2008). These differences show that ideology still matters, but at the same time the party is clearly established in the political system, as the internal struggles about electoral politics and party governance show. The wings do play a role with regard to the FMLN's policy-making – not least because electoral candidates are chosen according to their proximity or distance to one wing or the other. Choosing Mauricio Funes as presidential candidate for the elections in 2009 was a compromise on which both wings could agree since Funes did not belong to either wing. As a popular journalist he was an outsider to the party and as such he was believed to be beyond internal party conflicts that prevented previous candidates from winning the elections.[64] However, once Funes had become president, his position as outsider increasingly alienated him from the party. The gap between him and the FMLN deepened over the course of the term. This is especially true for

[64] In contrast to previous FMLN candidates who were usually opposed by the United States, Funes' apparent impartiality guaranteed him the support from the United States – an important factor given the close relations between El Salvador and the US in many areas, especially trade, remittances, and regional security.

decisions the President made in the area of public security that were not supported by the party base, as will be shown in the empirical analysis of the thesis.

This chapter traced the genesis of the FMLN as an insurgent group in the 1970s fighting against the rent based economy and changing into a political party with the Peace Agreement and with the transition to a democratic political system in 1992. It showed the difficult process of the FMLN leaving violent means behind and building political power as a party. Before turning to the question how the FMLN as a party approached security issues (Chapter Eight), the next chapter takes a closer look at issues of violence and security in the post-war Salvadoran state.

7. From coercion to the right for protection: violence control after the Peace Accords

7.1 Introduction

This chapter focuses on two aspects: firstly, the nature of post-war and contemporary violence in El Salvador and, secondly, the notable gap between post-war security institution building and the actual performance of security actors. The chapter looks at the period after the Peace Accords of 1992 and the efforts to centralise and legitimise the use of violence through reforms of the security sector which were stipulated in the Peace Accords. Importantly, it demonstrates that despite the reforms violence was not centralised. Instead, it argues that the continuous use of violence by old and new state actors as well as non-state actors is connected to the coercive security policies under ARENA governments, and to an economic order characterised by multinational and national companies fostering precarious work relationships and social exclusion. The chapter does not offer a comprehensive policy analysis of security approaches under ARENA governments as this would require a separate empirical research beyond the scope of this thesis. However, based on the literature about post-war violence and security responses of the post-war governments, it is shown that a gap existed between the efforts to build democratic security institutions and the actual practices of security actors. The focus is on the Salvadoran police which was at the centre of post-war reforms and whose transition yielded a large amount of literature. We will see that prison reforms, the second arena of empirical research of this thesis, attracted much less political and scholarly attention. The chapter points to the failure of ARENA governments to establish a functioning security sector. Instead, authoritarian, coercion-based responses to social violence were the methods of choice. Discussing the role of the military in the post-war period, we will see that despite steps being taken towards limiting its influence on politics, it retained influence on citizen security with the support from political elites. The chapter argues that besides ARENA's coercive security approach, supported by the military, violence was criminalised in the public discourse and made an issue of the poor. This means that it was delinked from political developments. This discourse driven by Salvadoran political elites as well as international policy

makers was conducive for the construction of a state that, in contrast to the intentions of the Peace Accords, withdrew from the responsibility to provide protection to all citizens. In other words, in post-war El Salvador, a state emerged in which the government did not seek to build a legitimate state monopoly on violence. As a consequence, violence remained dispersed.

The chapter is structured in four parts. The next section (7.2) deals with the security reforms reflecting on how they were designed to change the organisation of violence in the Salvadoran post-war society. The control of violence was to be structured around the right for protection of citizens which is a key characteristic of democratic societies. Thereafter (Section 7.3), security approaches of ARENA governments are depicted, showing how they undermined the institution building of the security sector through coercive responses to social violence and fostered a shift from public to private security provision. Section 7.4 highlights the discrepancy between the mere existence of civil control and accountability mechanisms, and the lack of application of such mechanisms. It draws on reports about the development and performance of the police and prison system after the reforms. The final section (7.5) reflects on scholarly debates about the nature of post-war and contemporary violence in El Salvador by elaborating on its links to the post-war economic system and the government's discourse on violence.

7.2 Protecting citizens: security reforms as key component of the Peace Accords

The literature about the Salvadoran peace process speaks of the profound changes of the security system that were envisaged during the peace negotiations (1990-1992) and stated in the final Peace Agreement. Expectations on the reforms outlined in the agreement were high as it was hoped they would not only prevent the country from relapsing into war, but that they would transform a violent and repressive state into a stable democracy. International attention for the peace process was enormous, not least due to the United Nations who was a main interlocutor of the talks and supported the implementation of the accords with the United Nations Observer Mission in El

Salvador (ONUSAL) from 1990 to 1995. The available literature about the peace process is vast and many studies concentrated on the UN role in the country. The majority of texts were written by international scholars and opened up a post-war perspective on security. They dealt with the direct consequences of the war and the efforts and obstacles of changing the security system. Gino Costa (1998, 2001) (political advisor to the chief of ONUSAL and head of the ONUSAL police reform unit) and Alvaro de Soto (1992, 2000) (personal representative of the UN Secretary-General for the Central American peace process) both noted their personal experiences of the reform process in great detail. Costa, De Soto and other authors like Hampson (1996), Doyle *et al* (1997), Stanley and Loosle (1998), Holiday and Stanley (2000), Laurance and Godnick (2000), and Dobbins et al. (2005) drew a detailed picture of the performance of the UN mission, which expanded their task from monitoring the human rights situation to observing the process of verification of the agreement. Some other authors examined issues of justice and the construction of the rule of law with regard to the security system (Johnstone, 1995, Popkin, 2000, Call, 2003), while some texts focused on the changing US policy in the late 1980s and early 1990s as contributing factor to the opportunity of a negotiated settlement of the Salvadoran conflict (LeoGrande, 1990, Karl, 1992). Only few contributions came from Salvadoran authors, but especially Alexander Segovia's articles (1996a, 1996b, 1996c) provided insight into the economic conditions during and after the war (Section 5.4). Much of this literature enhanced the understanding of UN peacebuilding which was a new concept at the time. Moreover, it also shed light on institutional challenges of post-war peacebuilding and statebuilding. Theses texts serve as resources for the first section of this chapter, which outlines the factors leading to a negotiated settlement of the armed conflict and the role of civilian state organisations in creating and maintaining public order.

The literature speaks of several factors which fostered a negotiated settlement between the FMLN and the Salvadoran government. First, a military stalemate prevented either conflict party from military victory (Karl, 1992). The armed forces had been massively supported by the US throughout the 1980s to avert a military victory by the FMLN. In November 1989 the FMLN launched a military offensive marching towards the capital San Salvador occupying six

neighbourhoods in the northern parts and assaulting seven more provinces throughout the country (LeoGrande, 1990). Despite them being struck by the air force in San Salvador, the offensive revealed the FMLN's military strength and triggered a revision of US policy towards El Salvador. Between 1984 and 1989, the FMLN had not launched any major offensive, which led the US to the assumption that it was possible for the Salvadoran armed forces to gradually win the war if supported with sufficient military aid (LeoGrande, 1990: 331). With the November offensive it became clear that the FMLN was too strong to be defeated (Karl, 1992: 149). It was under President Bush Senior that the US turned towards a more pragmatic policy towards Central America and embraced a political solution for the region's conflicts (Pearce, 1996: 589). Another aspect which has been regarded as contributing to the end of the civil war was the changing international situation with the fall of the Berlin Wall and the subsequent end of the Cold War. The United States' motive of containing the communist threat in Central America could no longer serve as a justification for their massive military involvement in Central America. In this sense, the end of the civil war in Nicaragua in 1989, as well as the Sandinistas' loss of the national elections in 1990 further paved the way for a negotiated settlement in El Salvador. However, while US influence on the war had been remarkably high, the relationship between the Soviet Union and the FMLN was not especially close, as Hampson (1996: 136) pointed out. Therefore, the interpretation of the civil war as a proxy affair which came to an end with the end of the Cold War ignores the internal issues described in the previous chapter.

Section 5.4 highlighted the role of economic elites in paving the way for peace talks once they were convinced that economic benefits would be much higher in a peaceful environment. A few factors indicate the influence of the agro-industrial elite on the peace negotiations: first, assigning members of the business elite to political posts was no exception with ARENA coming to power. Schneider (2012: 119) found that Cristiani filled 17 ministerial and bureaucratic posts with FUSADES allies. Second, Rettberg (2007) attributed the lack of a substantial socio-economic reform agenda in the Peace Agreement which was criticised by several observers and scholars to the strong connection between

economic elites and the ARENA government.[65] The primary aim of the government was to end the war in order to pursuit economic modernisation and to maintain access to the evolving international market. This argument was explored in depth in Christine Wade's (2016) recently published book on Salvadoran elites in the peacebuilding process. Socio-economic reforms that would level domestic social injustice were not part of that plan. Indeed, the emphasis of the negotiations was on security reforms as is shown below. The third factor which allowed for peace talks was the FMLN's readiness for negotiations. As shown above (Section 6.3), the FMLN's slowly developed this willingness during the 1980s with the prospect of increased recognition as an official conflict party with considerable leverage on the terms of a potential Peace Agreement.

Finally, what set the stage for a settlement of the armed conflict was the changing public opinion inside and outside El Salvador. After eleven years of battle and economic hardship with no victory of either conflict party in sight, support for an armed revolution among Salvadorans tried up. Concerns about human rights violations by the security forces were raised by international observers throughout the war. The turning point which changed public perception was the murder of six Jesuit priests, their housekeeper and the housekeeper's daughter by the armed forces in 1989 (Section 6.2). As a consequence, US Congress voted for cutting military aid to the Salvadoran government by 50% – an act which marked the end of massive US support for the Salvadoran armed forces (Karl, 1992: 153, Arnson, 1992: 86).

Prior to negotiations with the UN, Central American presidents agreed on strengthening efforts to create peace in the region. In this sense, the so called Esquipulas II agreement was signed in 1987; it marked the beginning of a serious search for political solutions for the region's conflicts (Pearce, 1996: 588). In 1990 both the FMLN and the Salvadoran government independently asked the UN for help with setting up peace talks. The first of seven rounds of negotiations took place in Geneva in April 1990 under leadership of Alvaro de Soto, the personal representative of the Secretary-General for the Central American peace process. According to De Soto, it soon became clear that the

[65] For criticism on the absence of socio-economic reforms see Soto and Castillo (1994), Pearce (1996), and Boyce (1996).

UN would not only act as an interlocutor of the talks but would take over active role in observing the verification of the agreed terms. The final document was signed on 16 January 1992 in Chapultepec, Mexico. It comprised nine chapters, among which the most comprehensive measures concerned the armed forces (chapter one) and the police (chapter two) (United Nations, 1992). Further chapters deal with the political participation of the FMLN, reforms of the justice sector and the electoral system, the ceasefire and the process of demobilisation, demilitarisation, and reintegration (DDR), and the resolution of land issues.

The core elements of the Peace Accords were:

- The military regime was to be substituted by a civil government. The constitutional role of the military was substantially modified. It no longer functioned as the central power above all other institutions, but was subordinated to the executive, i.e. to civil control. Its core function was stipulated to territorial defence against external threats.
- Military strength was to be reduced significantly. National Guard, Treasury Police, and paramilitary bodies were to be abolished. The National Intelligence Department was to be substituted by the new State Intelligence Agency (OIE). An Ad hoc Commission was established to purge the military from members who committed severe human rights violations.
- The National Police (PN) was to be disbanded. Instead, the new National Civilian Police was founded, comprising of 20% former PN members, 20% FMLN combatants, and 60% newly recruited civilians. Training of police officers became the responsibility of the newly founded National Academy for Public Security (ANSP).
- The conflict parties agreed on the possibility for the FMLN to transform into a political party to guarantee its participation in the political process. In turn, the FMLN had to dissolve its military arm. Support for the reintegration of combatants into civilian life was to be provided.
- The Commission of the Truth was to be established to investigate major human rights violations during the war. In contrast to the Ad-hoc Commission, it consisted of Non-Salvadorans and was authorised to give specific recommendations for institutional reforms.

- Reform measures were to be taken to increase the independence and professional qualification of judiciaries.
- The Accords also stated the need for land transfer programmes, structural adjustment programmes, and a national reconstruction plan but offered no concrete implementation mechanisms.

These agreements which had constitutional character marked a complete paradigm shift of the state's relationship to violence – at least in theory. Instead of violence being used by state security forces as an instrument of suppression, the state was now given the responsibility to monopolise violence in order to protect its citizens. This is what constituted the change to a democratic security system. Whereas in the past the military and economic elites used the state to protect their own interests, in the future civilian state organisations should guarantee security as a citizen right. It was hoped that decoupling military and police forces would reduce the long lasting dominance of the military in the society and foster the civilian character of security provision. The responsibility for public security should be taken by a new National Civilian Police that had to be built from scratch. The police should be operating under the new paradigm of serving its citizens and respecting their rights.

As Spence and Vickers (1994a: 2) stated, the language of those issues dealing with land disputes, reinsertion and other social issues is considerably more general than the language of those aspects referring to security reforms and human rights. The two latter points were at the core of the negotiations right from the beginning, as De Soto (1992, 2000) recalled. As an agreement on how to proceed with the armed forces was difficult to reach, talks shifted towards the question of how to monitor and deal with human rights violations. Even before the Peace Agreement was signed and before a ceasefire was in place, both parties agreed that a UN Human Rights Verification Mission should monitor the human rights situation in El Salvador (United Nations, 1995, San José Agreement). This was considered to be a crucial, legally binding step towards curbing systematic human rights violations by the regular and irregular forces. The strong need for this was demonstrated by the severe suffering of the population through state terror, and by the fact that any human rights advocacy was seen as particularly compromised and unprotected in El Salvador, compared to other dictatorships (Wilkins, 1997, Collins, 2006). In terms of

uncovering and improving human rights conditions, international observers and consultants made considerable effort to realise the paradigm shift from repression to citizen protection.

Firstly, the Truth Commission investigated human rights violations, committed between 1980 and 1992, and published its findings in the final report *From Madness to Hope* in 1993. As the commission was given only six months for its investigations, it decided to focus on a selection of cases rather than trying to uncover all incidents. As mentioned before, the final report stated that state security forces were the main perpetrators of killings, disappearances, torture, and as Tombs (2006) pointed out, of sexual violence. The commission also found that violence was used systematically to intimidate the population, create distrust, and break up opposition to the regime (Commission on the Truth for El Salvador, 1993: 27). The instrumentalisation of violence was not new, as shown in the historical discussion. Yet, the scope of terror during the 1970s and 1980s was unprecedented in Salvadoran history, and the Truth Commission made an important contribution in revealing this. The commission's recommendations were far-reaching: it proposed the replacement of the entire Supreme Court to allow for a substantial judicial reform, the permanent removal of all persons found responsible for abuses from offices in public security and national defence, and the further investigation of illegal armed groups. The recommendations were not legally binding and the Salvadoran government ignored them by and large (Popkin, 2001: 12). The government's close ties with the security forces explain their non-action, yet the differences between the government's position and the position of the Truth Commission (headed by non-Salvadorans) indicates the contrasting perspectives of national and international bodies. 'Unfortunately, [the commission's] work became a substitute for any other official effort to address the atrocities committed during the conflict' Popkin (ibid.) wrote, highlighting how little the contribution of the Salvadoran state was in uncovering the past. These differences were noticeable throughout the peace negotiations and the reform process.

Secondly, the work of the Ad hoc Commission concentrated on human rights violations committed by the military. Headed by Salvadorans and closely observed by the UN, the Ad hoc Commission's recommendations of discharging most officers of the military high command was more widely accepted within the

government than the Truth Commission's recommendations. The purge comprised about 10% of the officer corps (232 officers), and 102 persons were discharged (McCormick, 1997:293). Most authors consider this outcome as a remarkable contribution to the peace process, given that for the first time in Latin American history the military submitted its officer corps to external reviewers (Spence and Vickers, 1994a, McCormick, 1997, Call, 2003). In addition, personnel numbers were reduced significantly, and the percentage of the official military expenditure within the public budget decreased from 24% in 1990 to 3% in 2006.[66] For the FMLN, reducing military strength and placing the military under civilian control was a key concern during negotiations. From the FMLN's military-strategic point of view, the Salvadoran armed forces were the principal enemy during the war (González, 2011b: 149-151). Hence, their reduction was essential if the settlement was to last. The same held true for the police. Both military and police reforms were crucial for the FMLN to guarantee its survival after the demilitarisation (Allison and Álvarez, 2012: 97). As described in the previous section, economic elites sought political leverage through the rise of ARENA and relied less on the military. Thus, placing the military under civilian control was an acceptable move for the oligarchy. For the UN as the interlocutor between the conflict parties, the primary goal was to prevent a relapse into civil war. In this regard, the reduction of military strength contributed significantly to reaching this goal.

However, purging the military was problematic as is shown by the fact that 90% of the officer corps got away without any review and not a single officer was prosecuted, as an amnesty law was passed in 1993 (Popkin, 2000). There was no particular focus on the victims and no reparations in any form, and as early as 1994 ONUSAL reported the involvement of active duty members in organised crime in the early post-war period.[67]

Thirdly, the Human Rights Ombudsman Office (PDDH) was established in 1992 as the central institution for all human rights concerns of citizens. The PDDH developed into an important national monitoring institution and has constantly recorded and investigated human rights claims. Its importance as a lasting tool of monitoring the human rights situation in the country should not be

[66] Data compiled from Kurtenbach (1996), FLACSO Chile (2006), and RESDAL (2007).
[67] See UN Doc. A/49/281-S/1994/886 in United Nations (1995).

underestimated, albeit its practical impact has been limited. The PDDH's recommendations were frequently ignored by the judicial bodies, and its findings remained without consequences for those responsible for abuses. In this regard, the PDDH constitutes an institution – initiated by international mediators and implemented by Salvadorans – designed to embed a new set of norms in the Salvadoran society such as respect for human rights, accountability, and transparency. Yet, the political practice constantly undermines the acceptance of these norms.

Similar to human rights issues, security reforms received significant international attention throughout the peace process. Once the ceasefire had been negotiated, demobilising the forces was the first step on the peace-building agenda. The physical separation of military, paramilitary and police forces was a precondition for the creation of security forces with limited and clearly framed responsibilities. ONUSAL verified the demobilisation and disarmament process of all 8,000 FMLN combatants, whereas the government, under the observation of ONUSAL's military division, was responsible for the reduction and reorganisation of about 63,000 members of the armed forces (McCormick, 1997). The initial intention of the FMLN negotiators was to agree on FMLN combatants being allowed into the officer corps (De Soto, 1992). As the armed forces strongly resisted such a step, the compromise was made to integrate FMLN combatants into the new National Civilian Police. The creation of the PNC as a civilian, democratic security organisation was without a doubt at the heart of the security reforms, and Section 7.4.1 deals with its development in greater detail.

Judicial reforms sought to strengthen the independence of the Supreme Court, the attorney general, and the state counsel from single political parties by introducing the need for a 2/3 majority vote by the Legislative Assembly to elect its members (Spence and Vickers, 1994a). The Peace Accords also called for reforming the process of judicial nominations to reduce the enormous power of the Supreme Court, but the few changes that were made to this process did not reduce the Supreme Court's supremacy. In addition, the government rejected the Truth Commission's recommendation to replace Supreme Court justices who were largely responsible for the impunity of state sponsored violence (ibid.). Importantly, criminal justice reforms were notably absent from the Peace

Accords were. The Truth Commission pointed to the need to reform the criminal justice system in order to strengthen the protection of individual rights but it was only in 1998 that a new criminal procedure code was adopted (Section 7.4.2) (Popkin, 2000, Popkin, 2001).

For a peace operation, the achievements of ONUSAL were considerable: the ceasefire was never broken and the fighting between the armed forces and the FMLN stopped. Moreover, the FMLN was successfully transformed into a political party and the first post-war elections in 1994 were conducted without any serious disruptions. The political integration of the insurgent group culminated with the FMLN winning the presidential elections in 2009. Engaging with armed non-state actors was a relatively new experience at the time. Given that most current conflicts are considered to be intra-state conflicts that involve non-state violent actors, the FMLN's positive turn from a warring party to a political party has encouraged mediators and academics to analyse their possible impact on peace processes.[68]

7.3 Security at the expense of democracy: security approaches under ARENA governments (1992-2009)

This section elaborates on the differences between the paradigm of citizen protection, established with the Peace Accords, and security practices in the two post-war decades. It shows that while the reforms established security as a political task, political elites did little to contribute to a functioning security sector and did not promote citizen rights for safety. Instead, security and democratisation were considered a set of opposing, incompatible and unrealisable goals. The dramatic increase of crime rates after the civil war was used to defer the further democratisation of the security sector. This perceived dichotomy between security and democratisation re-opened the path for authoritarian decision making on security issues.

For the period of the 1990s, reliable statistics are difficult to trace, but the available figures illustrate the severity of the problem of crime and violence at

[68] For instance, the Berghof research programme on resistance/liberation movements and their transition to politics included a study on the transition of the FMLN from revolutionary force to political party (Álvarez, 2009).

the time, even if variations are considered. According to Call (2003: 841) the number of homicides per year rose from 3,229 in 1992 to 7,673 in 1994. In 1995 numbers were beyond the annual number of deaths during the civil war. With 139 homicides per 100,000 inhabitants, El Salvador was the most violent country of the world – a sad top position which the country regained in 2006.[69] Homicide numbers were constantly on the rise until 1996, significantly dropped until 2003 and increased again after 2004.[70] This latter increase is believed to be related to the government's hard-line *mano dura* (iron fist) policy which was introduced in 2003 (see below).

Literature which critically analysed political reactions to the sharp increase of post-war violence is scarce. This may be due to the fact that political response to the problem was very slow and came late.[71] Scholarly attention rose with the introduction of hard-line policies in the region after 2003 as these approaches were highly contested. For this thesis some insights about security approaches under presidents Cristiani (1989-1994), Calderón Sol (1994-1999), and Flores (1999-2004) was gained from Salvadoran analysts and NGOs (FESPAD, 2003, Aguilar, 2004, Amaya, 2006, Cruz, 2006). Additional information was found in UN documents and texts by UN-associated analysts (Costa, 1998) and in articles about regional security (Sereseres, 1998, Arévalo de León, 1999). The increasing literature about gang violence in the region and state responses to it give some insights to President Saca's (2004-2009) hard-line security approach (Jütersonke et al., 2009, Bruneau et al., 2011, Wolf, 2011a, Zilberg, 2011, Cruz, 2011).

There was no articulated security policy under presidents Cristiani and Calderón Sol. During Cristiani's term, international advisers were still present to help with the implementation of the security reforms. But the impact of this external influence on the government developing a strategy for public security was very limited. The support of international actors during the ceasefire and the first post-war years was crucial for making a democratic security structure possible.

[69] Call referred to sources from the Salvadoran General Attorney's Office. The accuracy of numbers may be doubted, but even if actual numbers were lower or higher, they would still be staggering: the World Health Organisation considers an annual rate higher than 10 homicides per 100,000 inhabitants as epidemic. For statistics from 2006 see World Bank (2011).

[70] Zinecker (2007: 4) compiled and compared data from various sources to increase validity. The above observations seem in accordance with most data available.

[71] For literature discussing the nature of post-war violence see Section 7.5.

This means, with international actors being involved in the process of demobilisation and demilitarisation and in the development of a new police, there was heightened awareness for the new norms that should guide security provision such as non-violence, respect for human rights, and accountability and transparency of security organisations. However, with the reduction of international advisers and observers which mainly fell into Calderón Sol's term, these new democratic norms gained less attention. In the light of skyrocketing numbers of homicides in the second half of the 1990s, concerns of further developing the democratic spirit of the security forces became secondary to the instant need to deal with the wave of post-war social violence. The problem of violence was not sought to be solved by furthering the democratisation of the security forces but by poorly planned, coercive responses. Instead of developing a comprehensive security policy, all ARENA governments used the problem of crime to defer a further democratisation of the security sector. Costa (1998: 144) pointed out that even before the signing of the Peace Agreement the Cristiani government stirred up fears about a potential post-war crime wave in an attempt to justify the maintenance of the National Guard and Treasury Police. Instead of dissolving them, they kept operating under the same structures, renamed as Military Police and Border Control (UN Doc. S/25812, McCormick, 1997: 295, Costa, 1998: 137-145). This line of argument continued further. After dismantling the old security apparatus, a security gap became apparent (Stanley and Loosle, 1998). Including the guerrilla, the number of all combatants and security forces dropped from about 75,000 to only 6,000. The only force responsible for public security was the newly founded PNC, but recruitment, training and deployment of the new police required time. It was convenient for the government to blame this security vacuum and the inexperience of the new PNC for increasing crime and violence, as Amaya (2006: 134) pointed out. Likewise, the government justified the deployment of military forces in joint police and army patrols with insufficient PNC members (UN Doc A/49/888-S/1995/281). The use of military forces in the realm of public security was no exception. In 2003 the number of joint groups had even increased and until the present day, tasks of the Armed Forces of El Salvador (FAES) in public security have been constantly expanded (Amaya, 2006: 135-136).[72] These incidents indicate that the Salvadoran governments'

[72] See Chapters Nine and Ten for details about the involvement of the FAES in public security issues in

understanding of a democratic security sector was not identical with the vision of international advisers. In contrast, these incidents lead to the assumption that values such as institutional accountability and transparency which were prioritised by international advisers, were not top priorities of the governments.

Although theoretically the regional agenda of the Framework Treaty on Democratic Security in Central America (Section 2.1.1) may have served as an incentive to further develop security policies on the country level, in El Salvador a policy which based security-political decisions on an analysis of needs or feasibility or potential was basically non-existent. However, with the constant increase of crime and violence it became more difficult to keep eliding the problem. President Flores (1999-2003) was the first to develop a public security strategy, the Alliance for Security. Although it largely existed on paper, the original strategy outlined a certain variety of goals such as crime reduction, institutional improvements, and a focus on citizen participation (Amaya, 2006: 138-139).[73] Yet, according to Amaya, the government reduced the plan to crime reduction only and strongly focused on the police. Into that period of time fell the introduction of *Eficacia*, a technology-based programme modelled on CompStat, a statistics programme to analyse criminal activities and designed to improve police response to crime. This programme reinforced tendencies of authoritarian policing. CompStat was first used in New York as part of zero-tolerance policing which is a policing model that aims at confronting even minor offences with major force, believing that by doing so offenders would refrain from severe crime. CompStat is 'the engine that drives 'zero-tolerance' policing', Greene (1999: 172) wrote. Not only was the Salvadoran state response to insecurity insufficient and one-sided, but importing elements of zero-tolerance policing into a society with a history of enormous human rights abuses by security forces further undermined the democratisation of the security sector.

With the elaboration and realisation of the *mano dura* security policy under President Antonio Saca (2003-2009), zero-tolerance policing became the lead model of the Salvadoran state response to violence and crime. ARENA's authoritarian *mano dura* approach targeted youth gangs as the source of insecurity and comprised a one-sided combat of crime via numerous rapid

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recent years.

[73] Detailed information about these goals was not available.

detentions, area sweeps and joint police-military patrols. It mixed the quite different phenomena of crime, violence, and social and physical insecurity and reduced them to a street gang problem. Scholars criticised the short-term orientation and inadequacy of the measures, given their launch eight months before the national elections in 2003 and the huge publicity for ARENA that accompanied the implementation (Peetz, 2008, Wolf, 2011b). The policy largely failed as 95% of all detentions have been dismissed during the first year of *mano dura* without any trial, homicide rates further escalated and the gangs quickly adapted to the new climate of repression by using heavier weaponry, toughing their entry requirements and adopting a more conventional look (Jütersonke et al., 2009, Wolf, 2010). This corresponds with the findings of failed iron fist policies in other Latin American societies like Brazil, Mexico, Guatemala, and Honduras (Willis, 2009, Castillo Berthier and Jones, 2009, Jütersonke et al., 2009, Bruneau, 2011). While the measures themselves clearly contravened the spirit of the Peace Agreement, their impact on the security system was destructive in so far as they blurred the line between military and police tasks and weakened the civil character of the Policía Nacional Civil (PNC, Civil National Police). *Mano dura* contributed to an increase in arbitrary use of authority, overpopulated prisons, and overstrained courts (WOLA, 2006, Cruz, 2011). Newly elected President Saca responded to the brutalisation of the gangs with the *super mano dura* (super iron fist) policy that resulted in an even more violent approach by the security forces. By 2009 the situation was intractable, as Wolf (2010) described: gangs had sprawled hundreds of marginal urban communities and were deeper involved in organised crime – partly due to their criminalisation and social exclusion.

The previous discussion showed that despite the rather positive circumstances for the transformation of the security system after the war (financial and practical support from the international community, a broad constitutional framework, changed international political setting), ARENA governments were not able to effectively reduce and control violence in the two post-war decades. Instead of deepening democratic values in the security sector, state responses to violence and crime were often exerted at the expense of democracy. In other words, security and democratisation were considered a set of opposing, incompatible, and unrealisable goals. This relates to the gap between the idea

of security sector reforms for building a liberal, democratic state and applied practices of security provision. The perceived dichotomy between security and democratisation ultimately leads to the question whether the democratisation of security institutions can be realised at the same time and to the same extent as security needs to be provided. This discourse has already taken place in debates about public security and human rights. Cruz (2004), Uildriks (2009) and others have pointed out the strong public support in democratised Latin American societies for repressive policing and the tolerance for human rights violations for the good of safety. In contrast to the public opinion, human rights groups and academics often criticised the 'tough on crime' approach. Chillier and Varela (2009) described the dilemma this poses for human rights advocates. Their work focused on state violence and criticised police brutality and arbitrary detentions occurring after the official transition to democracy. On the other hand, victims of police abuse are often believed to have committed a criminal act. With regard to the prevailing public opinion that the breach of laws is acceptable if it is believed to constrain crime, human rights activists can be seen as working against the menace of crime and as supporting 'the criminals'. In this sense, adherence to human rights standards is not only regarded as being irrelevant but even counterproductive in reducing crime. This line of reasoning is repeated in the discourse on security versus democratisation, for instance, when the lack of security personnel is made responsible for escalating crime. This logic underlies the anecdote at the beginning of the thesis: more police force means more security. The same argumentative line is used to justify an undermining of the civil character of the police, as happened with the *mano dura* policy. In short, under ARENA governments punitive attitudes prevailed which corresponds with research about punitive and conservative attitudes. Gerber and Jackson (2015) demonstrated the connection between support for harsh punitive measures and preferences for conservative values.[74] Holland (2013) showed the connection between ARENA's decision for *mano dura* policies and the need to gain support from traditional elites and their rural bases. With regard to the FMLN taking power in 2009, the question arises whether a left government would approach a security policy which differed from

[74] Characteristics of conservative values were, for example, respect for authorities, discipline, and preference for living in highly cohesive societies.

the punitive focus and whether it would be able to realise such a policy against punitive attitudes in society and state institutions.

More than a side effect of ARENA's security approaches was the rise of the private security industry which is explored in the remaining part of this section. Academically and politically, the role of private security in El Salvador has not received much attention. Two studies depicted the development of private security after the war and provided some figures (see below), an article from Melara Minero (2001) and a report from the OAS (Carballido Gómez, 2008). However, critical scholarly analysis exploring the political and economic context of this phenomenon is missing. Drawing on Wacquant's (2008, 2009a, 2009b) work on connecting the rise of punitive policies to neoliberalism, Montoya (2013) suggested that the punitive turn in public security policies in El Salvador contributed to the emergence of the private security industry. Wacquant claimed that while social and welfare functions of the Latin American state were minimised in the 1990s, the penal sector was at the same time enhanced by the state. This also applies in the case of El Salvador, Montoya maintained. She argued that this was only possible because of close relationships between the public and private sector of security. Although relying mainly on anthropological research in the department of La Paz, some evidence underscores the relevance of the claims at the national level. As mentioned earlier, ARENA and economic elites are closely linked. Koivumaeki (2010) explored the consolidation of the party due to its support from the business community with financial resources and technocratic expertise in the 1990s. On the one hand most post-war presidents were successful businessmen, on the other hand it is their responsibility to appoint the two most important positions in public security, the minister of public security and the director of the PNC. It is also common for Salvadoran business elites to exercise public offices directly, including in the realm of security. One prominent example is Rodrigo Ávila who ran as presidential candidate for ARENA in 2009 after he had served as director of the PNC twice (1994-1999, 2006-2008). At the time of the fieldwork interview, he worked as a consultant for both private companies and public offices in security issues. He switched between the different spheres of security: political decision making with ARENA, state security practices as police director, and private

security entrepreneurship as consultant. This shows how interlinked political and business interests are with regard to security.

There is more evidence which points to ARENA fostering the privatisation of security. It is fair to say that apart from passing the Law of Private Security Services from 2001 (which substituted the previous law from 1994) private security was not at the centre of political attention. The law regulated the approbation and control of firms, it defined the general legal framework in which firms can operate, and established procedures for its violation (Melara Minero, 2001, Carballido Gómez, 2008). However, many aspects remained unregulated such as the abuse of firearms, working conditions of employees, and codes of conduct. With regard to the omnipresence of private guards, this lack of regulation is surprising. Guards and guns are highly present in the public. According to Godnick, 85% of the currently 25,000 vigilantes in El Salvador are armed.[75] They protect small shops and large malls, all kinds of public buildings like schools and hospitals, businesses, residential areas, individuals, industrial compounds, and state agencies. Legally employed private guards must receive a 30 days training at the National Public Security Agency (ANSP). However, there are frequent reports about the abuse or accidental use of firearms (for example González, 2011a), and the legal consequences of these incidents are not always clear.

However, from an economic perspective the deregulation fostered the evolvement of private security becoming a profitable industry.[76] As is argued below (Section 7.5), Salvadoran businesses are usually hierarchically organised with few highly educated executives with profound expertise at the top level and a large number of less educated, poorly paid, and precariously employed workers with few vocational skills. The private security sector is no exception. Private security is supplied in manifold forms: by big companies, vigilante associations, privately employed vigilantes, and individuals (Carballido Gómez, 2008: 20). The degree of legal regulation of these employer-employee relationships varies. However, precarious work situations exist in all these forms of employment, including in large companies. Payment is usually very low,

[75] Godnick's (2010) calculations are based on the number of registered arms, the supposedly high number of unregistered arms is not considered here.
[76] For different forms of private security provision see Ungar (2007).

agents have to work long shifts (24 hours are common), often employees have no social security, the turnover of agents is high, and guards are poorly trained.[77] Yet, large security companies prospered. Serconse became the biggest private security company in the 2000s. It was owned by Adolfo Tórrez, one of the former ARENA leaders. Serconse benefitted from the protection of state agencies with $38 million during Antonio Saca's presidency (2004-2009) (Ávalos, 2015). Section 9.3.2 demonstrates that this development was not reversed under President Funes from the FMLN. To the contrary, the state increasingly relied on the private provision of security to guarantee the security of its agencies. This revealed how successful the shift to private security was and how important private suppliers became for the security sector. Remarkable is also the supposedly high number of ex-combatants, especially ex-soldiers, among security agents (Melara Minero, 2001). On the one hand, this is due to the delays and incompletion of the post-war reintegration programme which should have provided ex-combatants with scholarships, housing, jobs and loans (Spence and Vickers, 1994a, Zinecker, 2007). On the other hand, the private security industry provided a niche for high rank military officers. For example, the former president of the National Union of Private Security Agencies (UNAPS), René Rodriguez Hurtado, is a lieutenant-colonel who fought in the armed conflict (N.N., 2010, Arbaiza, 2013).

Ultimately, with their shift of security interests from the public to the private sphere, economic elites contributed to the emergence of groups and networks outside the state that have the power to use violence. At the same time, this shift implied a lack of attention for the public security sector.

[77] There is no systematic study about working conditions of private security agents. However, labour unions repeatedly pointed to problems of irregular payment, arbitrary terminations of contract, and excessive working hours. See for example a report by MUSYGES, an association of labour unions: (MUSYGES, 2012) This impression was confirmed when talking to guards randomly during my research trips. Many streets in the middle class neighbourhood where I used to live were protected by heavily armed guards. Usually, two guards were responsible for one street, each working for 24 hours. According to the guards, monthly payment by the company was below $200 and sometimes irregular. Due to frequent conflicts with residents and the company, guards usually stayed for only short periods – sometimes a couple of days, sometimes several months. Some information has been collected by Arias (2009).

7.4 Police and prison institution building: new rules, old practices

Previous sections showed that a new, civilian police (PNC) was to be formed following the stipulations in the Peace Accords. It was stated that reforms of the criminal justice system were basically irrelevant to the Peace Agreement. It was also explained how coercive policies undermined efforts to establish state security institutions capable of providing protection to citizens in a democratic and accountable manner. This section zooms into the two arenas which are analysed in detail in Chapters Nine and Ten for the period between 2009 and 2014, police and prison reforms. Looking at the development of these two fields prior to this period, the gap between post-war institution building and actual practices of security actors is revealed. The section is less concerned with the initial setting up process of the police, as this has been addressed extensively elsewhere.[78] The focus is much more on the performance of the PNC. With regard to the prison system, a brief outline of the development of the prison system since 1992 provides the necessary background to understand the lack of political attention to this area.

7.4.1 Policing in post-war El Salvador

There is less literature about the performance of the PNC itself than about ONUSAL's performance in introducing and implementing police reforms. This may be due to the short time span of international attention during the negotiations and the mission's active involvement in the short period of the implementation that stands in contrast with the long-term nature of institutional change. The existent literature primarily contains studies from national and international NGOs and academic institutions that monitor and evaluate progress on police reforms in El Salvador and the region, namely from the Washington Office on Latin America (WOLA), the *Fundación de Estudios para la Aplicación del Derecho* (FESPAD), and the *Facultad Latinoamerica de Ciencias Sociales* (FLACSO). As outlined above, it was the defined aim of the reforms to strengthen the civilian character of the police and to establish an accountable and democratic force. It is shown that the influence of international donors and advisers was decisive for the police institution building process and

[78] See Section 7.2 for the relevant literature.

that their focus was – and to a large extent still is – on training and equipping the police. Whilst those are important contributions to improving police performance, scholars of police reforms (Peake et al., 2008, Bailey and Dammert, 2006b) argued that in addition, a shift towards better oversight and accountability mechanisms is necessary. However, the implementation of such mechanisms did not produce policing that is characterised by accountable and non-violent action. Where formal change has taken place, institutional beliefs and behaviour did not necessarily change in the same way. As is shown below, studies found that despite professionalisation efforts, severe problems with policing remained. Among them were inefficiency, scarce resources, the frequent use of violence, disrespect of human rights, clientelist relationships, distrust from the population, and the lack of transparent work procedures.

Foreign assistance to policing in El Salvador started before the Peace Accords and was provided by the US. Whilst the Reagan administration's support for the Salvadoran military during the 1980s became contested within the US, the International Criminal Investigative Training Assistance Program (ICITAP) was launched in 1986 to improve prosecution of human rights cases and strengthen the criminal investigative capacity of the security forces. Participants not only comprised members from the National Police (PN), but also the Special Investigative Unit (CIHD) which was known for committing and covering up political murders (Call, 1998). Its focus, as Call depicted in his trajectory of ICITAP, was on 'training' and 'development'. 'Training' meant that courses on interview techniques and forensics were carried out, while 'development' encompassed the transfer of equipment and invitations to conferences and internships in the US. ICITAP was broadened with the Peace Accords and conducted in cooperation with the UN. It was ICITAP and the US that provided the bulk of financial aid and material.[79] Sending instructors and advisors and providing training was the shared responsibility of the UN and ICITAP. The credit for detecting past and on-going human rights problems among security forces can be primarily attributed to the UN, Call argued. Despite initiating internal control units and developing policies within the PNC, ICITAP was criticised for not doing more to prevent corruption and abuses after the PNC's

[79] Between 1992 and 1997 $25 million were invested which is more than all other donors combined gave (Call, 1998: 336).

full deployment (Call, 1998: 335). The technological modernisation that came along with the equipment and courses is being acknowledged as an essential contributor to a better understanding of the crime phenomenon. However, it is only part of the solution, as Dammert (2007) noted, because its adaptability to the Latin American police culture is limited. She exemplified this in the introduction of CompStat, a statistics programme to analyse criminal activities that is designed to decentralise responsibilities and procedures (Section 7.3) – which would have been a desirable outcome of the reforms. But it only works if there are comprehensive efforts to flatten hierarchies and strengthen the discretion of individual commissioners. Under the ARENA government, however, there was a strong tendency towards administrative centralisation as reports from FLACSO (2006) and FESPAD (Arévalo, 2004) showed: in 2000, there was a request for a constitutional change to make the police Directorate General report directly to the Presidency and bypass the Minister for Public Security. In addition, it was suggested that the Inspectorate General (the core police institution for internal oversight, see below) and the police academy were subordinated to the General Directorate. This was clearly against the spirit of the Peace Accords and against the idea of imposing checks and balances. The proposal was never approved, however, the reports found that de facto police work was organised along these vertical dependencies.

The strong focus on training and equipping still forms part of the US strategy on security issues in Latin America. With the US being the main destination country for Latin American drugs and Mexico and Central America becoming the main corridor for drug trafficking, the Mérida Initiative provided Mexico and Central America with $1.8 billion as a counterdrug and anticrime initiative between 2007 and 2010 (Ribando Seelke, 2010). Mexico received $1.5 billion and Central America was provided with $248 million. The majority of the funds were spent on military and police equipment and training, mainly aimed at combating drug-related crime. The Central America Regional Security Initiative (CARSI) emerged out of the Mérida Initiative, concentrating specifically on the seven Central American countries. Until 2012, another $248.5 million were provided via CARSI (Meyer and Ribando Seelke, 2013). Since 2010, funding also incorporated support for capacity building of state organisations which marks a slight shift of US donor policy whose effects were addressed in Chapter Five.

However, for over 20 years, the focus was clearly on training and equipping state security forces. Despite the fact that drug trafficking represents a severe problem in El Salvador, this sort of funding further fostered the practice of focusing on high profile crime. A WOLA report (Beltrán, 2009) found that specialised and elite units dealing with drug trafficking or kidnapping often achieved impressive results. At the same time, fewer resources were dedicated to common crime that affects most of the population. Hence, international assistance targeted only that part of the security challenge which corresponded to its own strategic interests, meaning that it supported a selective security policy. In addition, imported new technologies like *Eficacia* did not provide the same results as in the country of origin when applied in a different political and organisational culture (Section 7.3).

In collaboration with local civil society organisations, WOLA has monitored the progress of police reforms in Central America and published two reports that give insight into the development of issues of accountability, community relations and transparency (Neild, 2002, Beltrán, 2009). Together with locally published reports they allow for a closer look at control mechanisms and the function and structure of the police. Organisational accountability is usually guaranteed by internal and external control mechanisms. Internal mechanisms are for example codes of conduct, disciplinary measures and administrative rules. In this regard, the most important institution of the Salvadoran police is the Inspectorate General (IG) which controls all activities and also comprises of a disciplinary system. Yet, with placing the IG under the responsibility of the police director, the independency of the institution became seriously limited (Arévalo, 2004).

All regulations of the PNC are stipulated in the police law (*Ley Orgánica*) and resemble the UN's code of conduct for law enforcement officials. Due to criticism that some regulations were equivocal and not differentiated enough to address all offences laws were amended several times (Neild, 2002). There was some 'normative confusion', as Neild put it, because of ambiguities in the law and an overlap of functions. At the same time, police rights were curtailed with a presidential decree that allowed for the dismissal of police officers on the basis of suspicious facts only, as Martínez Ventura (2003) wrote. Thereupon, 2,400 police officers lost their jobs (Zinecker, 2007). Together with attempts of

further re-centralisation, this increased the dependence of lower rank officers on their superiors. Such dependencies were further fostered by the practice of arbitrary and frequent transfers between units. Beltrán (2009: 17) found that these transfers often happened towards a lower rank and as such constituted a form of punishment for disloyalty. Arévalo (2004) noted that control was largely centred on hierarchical relations within the PNC rather than on an improvement of its service capacities for the citizens. This resembles a tendency towards a military fixation on internal norms in a number of Latin American countries. As Macaulay (2012) noted: ‘an officer is more likely to be punished for a defect in their uniform than for beating or killing a member of the public.’ Beltrán (2009) found that investigations of the IG often focused on minor infractions and targeted basic agents. This resulted in a backlog of more significant disciplinary cases and seriously hampered the efficiency of oversight mechanisms. Whereas international reformers paid less attention to the details of the new regulations (which might have been beyond their capacity), the regulations were indeed designed to improve accountability. However, they were not necessarily applied in that sense, but rather in a form that fitted traditional conceptions of the force.

Outside the police, the Office of the Ombudsman for Human Rights (PDDH) as well as the National Council for Public Security (CNSP) were meant to take over key control functions over the security sector. The PDDH was the central institution for human rights claims for citizens. Despite its reactive rather than proactive character, it was seen as an important institution regarding the efforts to disclose human rights violations committed by security forces (Neild, 2002). Since 2001 the PDDH has collected and reported cases of torture of prisoners by members of the police as a disciplinary method. It stated that about 40% of all cases of human rights violations reported to the PDDH between 1995 and 2003 went to the account of the police (PDDH, 2007, cited after Beltrán, 2009). Apart from these observations there was little information about the motivation of police forces for the random or systematic use of torture. It was also not clear to what extent police officers were held accountable when malpractices were reported. It is thus difficult to evaluate the success of the oversight mechanisms and to make detailed statements about the level of impunity within the PNC. The CNSP ought to be a counter-weight to the Ministry of Justice and Public

Security and feed into politics and the public by developing public security proposals and initiating public debates. As such, it was designed to increase accountability of security institutions. According to the FLACSO Report (2006), the Council did develop a number of suggestions regarding the police such as the introduction of measures to improve the information system and the strengthening of police leadership. However, ARENA governments' interest in the implementation of these ideas was limited. The CNSP was dissolved after the FMLN came to power, and new organisations were founded to take over the CNSP's responsibilities (Aguilar, 2014: 71-72). Besides PDDH and CNSP, civil society organisations started taking over an external control function over the security sector. Although their influence was very limited during the 1990s, WOLA found that between 2002 and 2009 both numbers and expertise of NGOs dealing with security issues was growing fast (Beltrán, 2009).

The issues that are (by no means exhaustively) depicted here draw upon studies that all have something in common: most reports, including those with a broader Latin American perspective, have noted a gap between the existence of control and accountability mechanisms and their practical use or abuse. The lack of changing practices within the police was repeatedly regarded as a factor which limited institution building efforts. Dammert (2007) stated that police practices were often only on the surface adapted to the new institutional design and without a profound paradigmatic change. In the WOLA reports, a huge gap between police training and practice had been spotted. It was assumed that this was due to a disconnection between the institution's official philosophy and the personal views of its leaders. A police commissioner is cited in the report (p. 11): 'The recruits can understand a bit about what community policing[80] means, but they don't implement it in practice. And there's the difficulty, trying to internalise the concept instead of just memorizing the concept and saying what it is.' An NGO worker added (p. 11): 'We have an academy where humanistic and human rights topics have acquired a merely formal character […]. We have a police force […] that is quite weak with respect to the doctrine and legal framework of human rights, the respect for constitutional guarantees and the prevention and investigation of crime." Zinecker (2007) referred to an interview

[80] Community policing is a concept that aims for better relations between the police and local communities and emphasises the service character of the police. See Chapter Seven for more details.

with the human rights ombudswoman that deplored the fatal worsening of the spirit, morals and attitudes of police, and particularly police leaders. Similarly, Call (2003) characterised the transformation of the Salvadoran police as a formal removal of authoritarian structures with an informal continuity of many practices and attitudes.

In summary, a gap is observed between institution building efforts and policing practices. This gap remains mostly unexplained. It is argued that a focus on the police alone will not suffice to understand the gap. Instead of comprehending the police as the most important state organisation in the provision of citizen security, the police needs to be seen as an arena in which various state and non-state actors struggle to gain control over how the organisation of violence in society. This approach is used in Chapter Nine to analyse policing and police reforms between 2009 and 2014. The fact that with the change of government in 2009 re-orientation towards a more professionalised and less personalised police was not sustainable, indicates that institution building is not just a matter of political will. Chapter Nine will look at the apparent failure of reform efforts by showing how state security responses are trapped between attempts of long-term institutional change and political ad hoc reactions to security crises.

7.4.2 The post-war prison system

There are a number of studies about the situation in Salvadoran prisons which give insight into the inhumane conditions prisoners live in, the poorly trained, corrupt guards, and overstrained prison authorities (Martínez Ventura, 2005, Fundación Quetzalcóatl, 2009, Santacruz Giralt and Ranum, 2010, Andrade and Carrillo, 2015). However, academics and non-governmental organisations paid very little attention to the political interests which made prisons to overcrowded and violent places, as well as to political efforts (or lack thereof) to reform the prison system. Therefore, drawing a picture of the Salvadoran prison system before 2009 is limited to a basic outline.

Like police training, international support for justice reforms in El Salvador started during the civil war in the mid-1980s and was provided by USAID (Pásara, 2012). According to Popkin (2000), USAID proposed criminal justice reforms at the time of the signing of the Peace Accords, and likewise the Truth

Commission recommended criminal justice reforms. However, it was only in 1998 that a new criminal procedure code took effect which marked an important step in modernising the system: criminal procedure changed from inquisitorial to an adversarial system, the protection of individual rights was stipulated, the use of preventive detention was restricted, and alternative sentencing besides imprisonment was strengthened (Popkin, 2001). Reforms were not perceived well by parts of the ARENA government. Popkin (2001: 17) wrote that Security Minister Barrera had complained about the excessive protection of criminals.

Barrera's complaint resembled the arguments brought forward by ARENA governments in the debate of security versus democratisation according to which a punitive attitude prevented the strengthening of accountability and rule of law for security forces. As for criminal justice, this debate evolved around '*garantismo*' which described a justice system protecting individual rights. In El Salvador, '*leyes garantistas'* ('guarantee laws') had negatively connotations.[81] Detainees were believed to be criminals who needed to be punished. A fair procedure respecting suspects' rights, determining whether suspects had committed a criminal offence as well as an adequate punishment was secondary. Despite the reforms, imprisonment was a frequently used form of punishment. In fact, it remained the preferred method of punishment as the *mano dura* policies between 2003 and 2006 indicated.[82] The use of imprisonment as a method of deterrence and for 'disciplining' parts of the population perceived as risks to society, was discussed and criticised in the literature about penal populism in Latin America (Méndez et al., 1999, Wacquant, 2009a, Müller, 2012b, Macaulay, 2013). As shown above, there is some evidence that the connection Wacquant established between neoliberalism and punitive policies applied to the development of the private security industry in El Salvador. Although the neoliberal ideology was a decisive element of post-war economic policy (Section 7.5), this connection is difficult to prove for the prison system, primarily due to limited in-depth information. For instance, there was no evidence found which would have indicated a form of involvement of private sectors in the infrastructural provision or administration of

[81] Interview with police official R27, 12 April 2012; interview with FMLN security expert Óscar Fernández, 13 February 2013.
[82] Interview with Douglas Moreno (Vice Minister of Public Security at the time of the interview and former Director General of Penitentiaries), 11 April 2012.

prisons. The government discussed ideas of privatising prison infrastructure during the *mano dura* period in 2004 (see below), yet there was no proof this plan was realised (FESPAD/CEPES, 2004). However, given the politics of abandonment of Salvadoran prisons (Macaulay, 2013: 381-382), penal populism certainly played a role in El Salvador.

According to the NGO Quetzalcoatl (2009), the 'penitentiary crisis' was a constant subject of media reports since the 1990s. Between 1997 and 2007, prison population increased by 99% (Dammert and Zuñiga, 2008: 45). While the increase of the prison total population was slow between 1995 and 2000, it more than doubled between 2000 and 2006, as Table 1 shows. However, the capacity of prisons was not extended. According to an NGO report from 2004, the government announced to respond to the penitentiary crisis by building new prisons, including a mega prison, and by privatising the infrastructure (FESPAD/CEPES, 2004). Yet, in 2008, one year before the FMLN took power, 19,814 inmates shared only 7,990 places (Dammert and Zuñiga, 2008: 47, Institute for Criminal Policy Research, 2015). This shows that the problem of overpopulation was not addressed by ARENA governments. Other issues like violence inside prisons, including lethal attacks, the growth of imprisoned gangs, and corruptive guards were ignored by policy-makers (FESPAD/CEPES, 2004).

Table 1: Total prison population in El Salvador, 1995-2008

Year	Prison population
1995	7,013
2000	7,754
2006	14,771
2008	19,814

Source: Institute for Criminal Policy Research (2015).

More substantial research and more reliable data are needed to explain the making of the penitentiary crisis in El Salvador in more detail. However, the few existing studies cited above allow for drawing the general picture: a mixture of punitive attitudes and ignorance by policy-makers in the 1990s and 2000s impeded the building of a prison system supportive of the stabilisation of a democratic, accountable security sector in post-war El Salvador. Alternative

forms of punishment and opportunities for rehabilitation were not strengthened during this period. The security threats this development fostered are discussed below with regard to imprisoned gangs and in the following chapters with regard to FMLN endeavours to prison reforms.

7.5 Contemporary forms of violence in El Salvador

Section 2.5 showed the struggle of scholars to comprehend the nature of violence in Latin American states after their transition from dictatorship to democracy and after the end of civil wars. This section takes a closer look at the debates about the post-war violence in El Salvador and at studies about contemporary forms of violence in the country. It finds that in addition to the rise of the private security industry outlined above, youth gangs represent the second new non-state actor who essentially undermines the creation of a state monopoly of violence. Special attention is paid to the socio-economic conditions contributing to the growth of social violence. The section provides an overview of the security challenges the FMLN faced when rising to power, and it summarises how, under ARENA's security discourse and practices, a state emerged which was incapable of centralising and legitimately controlling violence.

The previous section referred to the skyrocketing homicide numbers during the 1990s in El Salvador. As in other Latin American societies after civil wars and/or the transition to democracy, scholars reflecting upon violence in El Salvador after the Peace Accords, interpreted the phenomenon differently. The debate between Philip Bourgois (2001) and Leigh Binford (2002) about the nature of violence in El Salvador is characteristic for the struggle of understanding the continuation of violence under democratic rule. Bourgois saw the embedding of violence in social relations as a product of the suppression during the war. Binford disagreed with Bourgois' assumptions of a culture of violence as a mere outcome of the war, pointing to the connection between poverty and violence. In the subsequent discussion on structural reasons for violence, another explanation for post-war violence referred to the neglect of socio-economic issues in the Peace Agreement and the persistence of social exclusion (Savenije and Andrade-Eekhoff, 2003, Hume, 2008). Savenije and Andrade-

Eeckhoff (2003) and Savenije and Van der Borgh (2004) spoke of everyday forms of violence in the context of social exclusion, and named three mechanisms for its reproduction: frustration caused by social and economic hardship, the normalisation of violence, and the existence of perverse social organisations (i.e. gangs). However, even before the debate between Binford and Bourgois evolved, scholars pointed to the inauspicious connection between El Salvador's macroeconomic policy and social exclusion that put a fragile peace at risk (Boyce, 1996, Pearce, 1996). The debate reflected the shifting interpretations of violence as a legacy of the war towards a more structuralist perspective which highlighted the socio-economic conditions under which violence was growing (Savenije and Andrade-Eekhoff, 2003). An interesting explanation of the continuance of violence is offered by Zinecker (2014). Sections 5.4 and 7.2 set out how economic elites, especially moderate elite factions, pursued the transition towards a post-war society which guaranteed the maintenance of their economic interests in an evolving, modernising, and increasingly international market. Zinecker maintained that with the process of economic modernisation, the rent economy did not disappear. Instead, agricultural rents were replaced with the creation of rent equivalents, namely remittances and *maquilas*.[83] In El Salvador, remittances became an important factor of the Salvadoran economy, as their share of the GDP increased from 11.2% in 1995 to 16.8% in 2014 (World Bank, 2015). Most of the remittances are transferred by Salvadorans living in the US (1.12 million first generation immigrants in 2015, compared to 6.3 million inhabitants in El Salvador) (MPI, 2015). Exports from *maquilas* and free trade zones to the US accounted for 42% of total exports to the US in 2012 (Crossa, 2015). Zinecker argued that social violence, and in El Salvador particularly gang violence, functions as a substitute for profit through work (among other functions). She argued that many gang members were precariously employed and socialised in an

[83] Remittances are money transfers from migrants in the diaspora to relatives living in the country of origin. The money results from internationally diverging income structures. With remittances, local work force declines, instead work force is shifted abroad. Remittances are considered to be rent equivalents by Zinecker, since recipients of remittances did not work for this income; it is thus an excess income. *Maquilas* are factories which concentrate on job-processing and employ workers with few vocational skills. In free trade areas, these factories are often subsidised by the state. Low skilled workers in combination with low incomes make *maquilas* attractive for international companies. This means that the surplus profit of *maquilas* resides with international companies and is kept from the national economy (Zinecker, 2014: 56-57). Zinecker labelled remittances and *maquilas* as rent equivalents to emphasise the difference from former rents since the remittances are not excess income of national elites but of the lower classes and since work force in *maquilas* is paid.

environment where remittances and *maquilas* played an important role. Violence occurred either out of its instrumental use to compensate profit or out of frustration over the lack of economic opportunities. At the same time, the economic importance of remittances led to social disintegration due to increased emigration; under these circumstances, gang membership provided a feeling of belonging (Zinecker, 2014: 277-286).

With regard to benefits for national economic elites, Zinecker considered remittances and *maquilas* as a stabilising factor since they reduce unemployment and poverty without threatening the generation of rents for national economic elites. There are limits to the model since rent-seeking of contemporary national elites is not explained. The author argued that these were generated within the banking sector (2014: 319). Yet, Bull (2013) found that Salvadoran elites had sold all banks to multinational companies by 2006. In her analysis about the diversification of Salvadoran business groups in the 1990s and 2000s, Bull (2013) referred to Schneider's (2009a) model of hierarchical market economies to describe the Salvadoran economy after the end of the civil war. Hierarchical market economies are characterised by small numbers of large national business groups that, together with multinational companies, account for large shares of the economic activity in a country. Businesses are organised hierarchically, i.e. they are often directly owned by families or family networks with powerful, well-educated executives at the top and ordinary employees with low levels of education, vocational skills, and weak worker's organisations at the bottom. With the spread of multinational companies, the economic landscape in El Salvador changed over the last two decades, but according to Bull, national business groups have adapted to that in various ways. They still play an important role for the national economy, firstly because they can draw on indispensable local knowledge due to their family and elite networks, and secondly because they focus on sectors that are of less interest for multinational companies. In this regard, Salvadoran business groups have almost completely moved out of the banking sector between 1997 and 2006 and also reduced their presence in the industry. Instead they focused on commerce, real estate and selected services such as tourism. Bull's analysis showed that, while the Salvadoran economy was not a rent economy anymore but a market economy, certain characteristics resemble that of the rent

economy. This is especially true for the hierarchical organisation of work and the concentration of economic activity in a small number of large business groups. This implies that the national economy, together with the prevalence of remittances and *maquilas,* contributed to the precariousness of work, which in turn fostered violence.

Besides socio-economic explanations, publications related the further escalation of crime and violence in the 2000s to the zero tolerance policies of ARENA governments (Cruz, 2011, Zilberg, 2011). These contributions highlighted the involvement of state actors in the reproduction of violence by committing acts of violence but also by failing to contain violence. This relates back to the discussion about the separation between social and political violence and the question whether the strong focus on social violence ignores the state's role in reproducing violence under democratic rule (Section 2.5). For El Salvador, Moodie (2010, 2012) maintained that violence was criminalised through discourses of governments and international observers in the post-war environment. She emphasised that while crime rates did increase it was also the perspective on violence which had changed towards perceiving violence as common and, thus, as apolitical. Similarly, Peetz (2008) showed how youth were constructed as a security threat in the public discourses in Central America, and established a link between the existence of these discourses and repressive policies. Cruz (2016) recently began to articulate the state's involvement in the reproduction of violence through the utilisation of the state by elites and social groups to pursuit their economic interests.

Against the backdrop of previous elaborations on violence in the history of El Salvador, this thesis argues that violence after the Peace Accords remained dispersed and decentralised, despite efforts to establish a legitimate state monopoly of violence. One of the most visible expressions of post-war violence was gang violence and, as described above, political attention to violence in El Salvador was largely directed towards youth gangs. There is a considerable body of academic literature about the emergence of gangs in the region (Smut and Miranda, 1998, Cruz and Portillo, 1998, Savenije and Van der Borgh, 2004, Pirker, 2004, Santacruz Giralt, 2005, Jütersonke et al., 2009, Rodgers, 2009, Rodgers and Jones, 2009, Wolf, 2011b, Zilberg, 2011). This literature showed that the existence of gangs in El Salvador dates back to the 1960s but that

numbers of gang members increased with the deportation of Salvadoran gang members from the US after the Peace Agreement (Savenije and Van der Borgh, 2004, Wolf, 2011b). Figures about gang membership vary widely. Cruz and Portillo (1998) estimated 20,000 people belonged to gangs already in 1996, while Ramos (1998) indicated 10,000-12,000 gang members for the same period. Between 2007 and 2011 gangs were estimated to comprise between 10,000 and 30,000 members (UNODC, 2007, World Bank, 2011, Farah and Philips Lum, 2013) (Section 8.3.2). Although the quantitative development of gangs is difficult to trace, studies revealed that between the early 1990s and early 2000s gang structures changed. Whilst originally numerous small, loosely organised gangs revolved around the consumption of drugs and alcohol, hanging out together, and a specific dress code, over time gangs increasingly organised in two major gangs, the *Salvatrucha* and the *Barrio 18* (Savenije and Van der Borgh, 2004, Santacruz Giralt, 2005). They developed formal, hierarchical structures with leaders, *clicas* (cells), and specific roles for members (Wolf, 2011b). Today only a small percentage of gang members are deportees. Besides local communities and schools, prisons are known to be a central recruitment place. In the 1990s gangs established local power and penetrated Salvadoran communities through the use and the threat to use violence – primarily against rival gang members but also against communities. Gang violence further increased in the 2000s. It is believed that the escalation of violence and crime following *mano dura* policies between 2003 and 2006 is related to the further transformation of gangs. There is evidence that gangs use heavier weaponry, including military weapons and commercial firearms. Moreover, they are involved in more serious crimes, especially in homicide, extortion, and drug trade. Beyond that, with increased incarceration of gang members, some prisons in which prison guards and prison management exerted very limited control became places for gang members to run their criminal activities (Wolf, 2011b: 47).[84] Although there is evidence for links between gangs and transnational criminal networks, the question whether Salvadoran gangs themselves represent organised criminal networks is contested with regard to their comparatively limited degree of 'professionalism' and profit orientation (Arnson and Olson, 2009, Wolf, 2011b, UNODC, 2012, InsightCrime, 2015). The *Mara Salvatrucha* and *Barrio 18* exist in other Central

[84] For more information about the prison system see Section 7.4.2.

American countries but ties with these groups are believed to be rather loose. This and their limited role in transnational organised crime led Wolf (2011b: 68) to the conclusion that gangs represent a national rather than an international security problem. However, there is a regional dimension to the gang problem: reports found that the rise of undocumented migration of Salvadorans in the past five to ten years is not only connected to the lack of economic opportunities but also to gang violence. NGO reports like that of CIDEHUM/UNHCR (2012) indicated the spread of the problem in Central America. However, the topic of forced displacement due to violence and organised crime has received little academic attention so far (Cantor, 2014). Cantor's article and the report did not distinguish between threats originating from gangs and threats originating from organised crime. This may be due to the threat of extortion which is mostly posed by gangs although the method is also frequently used by organised criminal networks. A survey by the Central American University's Public Opinion Institute IUDOP (2012: 57) found that in 2012, 2.1% of Salvadorans changed their place of residence within the country one or more times due to threats. Added to this number must be Salvadorans migrating to other countries which points to another risk: undocumented travelling exposes migrants to violence, another problem which has only began to receive academic attention (Gaborit et al., 2012).[85]

Criminal networks do play a role in El Salvador (see Section 8.3.2 for details). Their use of violence against the population is not well researched but it is believed that they pose less of a risk of violence to the population than gangs. This is explained with their nature as *transportistas*, that is, they are more involved in the trafficking rather than the production of goods. Therefore, they operate in border regions and coastal areas and less in urban centres where violence peaks (Dudley, 2010). There activities rely more on bribery and corruption and less on violence, although the extent of the use of violence is not clear (UNODC, 2012). The threat of violence related to organised crime certainly poses a problem in another area, human trafficking. Trafficking of women and girls was identified as a serious problem in Central America by the UNODC Report on Organised Crime (2012: 53-58). However, comprehensive studies about the phenomenon are still missing.

[85] For some data about migration security see Section 8.3.2.

How much of the overall violence can be attributed to the gangs is an open question. As shown above, scholars argued that government discourses on violence overemphasised the threat of gangs. These claims coincide with official figures: while the PNC estimated that about 30% of homicides were committed by gang members in 2011, the IML attributed only 11% to the gangs (Ávalos, 2012). However, as shown above, other forms of violence are connected to the penetration of the society by the gangs. With regard to Mann's definition of power, gangs have mainly coercive power. They compete with state power in different ways. For example, extortion functions like a perverse form of 'security tax' residents, business owners, and bus drivers have to pay. Furthermore, they undermine the state's predominance in the penitentiary system by bribing and threatening guards. Lessing (2010, 2013) found that the power base of imprisoned gangs grew significantly when members of one gang were incarcerated together. Lessing as well as Phillips and Rosen (2015) explored how incarcerated gangs extended their control beyond prisons and found that coercive power is the central mechanism. The frequent use of incarceration as punishment were characteristic of punitive policies, it almost guaranteed that every street gang member feared to be imprisoned at some point. If they were unwilling to cooperate with the incarcerated leaders, they were violently targeted in prison. Outside prisons, violence functions similarly to maintain gang coherence. Furthermore, territorial claims play an important role in the logic of gang power since they operate in specific neighbourhoods – usually the places where they live – and defend these areas against members of other gangs. Van der Borgh and Savenije (2004: 167) noted that claiming territories violently was not an end in itself. Instead, it served the gang's struggle 'to achieve a reputation as a dominant, courageous and dangerous gang.' Direct violence against state actors like the police, military, and prison guards increased in recent years, although systematic knowledge about this form of contesting statehood is still lacking. However, territorial claims, 'taxing', and prison control mark the gangs' pursuit of power through violent means and represent expressions of contesting statehood.

Gangs contribute significantly to the persistence of violence, although the problem of violence is not limited to gangs. Besides the above mentioned forms, some authors pointed to the persistence of everyday violence, referring to

frequent violent experiences in communities and families which are often normalised (Bourgois, 2001, Savenije and Andrade-Eekhoff, 2003, Savenije and Van der Borgh, 2004). Hume (2009) and Silber (2004, 2011) wrote extensively about different forms of violence affecting everyday live in communities from a gender perspective. These must be added to the spectrum of contemporary violence in El Salvador.

This section demonstrated the magnitude of problems related to violence and insecurity as it is portrayed in the literature. It should be noted that existing studies do not provide a systematic overview of forms and consequences of violence in El Salvador since in their majority they focus on specific appearances and causes without comparing or connecting them to other forms of violence. A phenomenology of violence which would help understand the role of violence in the social order of El Salvador is still lacking. However, the outline of the problem provided above demonstrates the challenges faced by the FMLN taking power in 2009. Furthermore, the chapter explored the attempts of changing the post-war security order through institutional reforms and the difficult legacy of coercive security practices ARENA governments left. The chapter showed how coercive policies undermined efforts to establish state security institutions capable of providing protection to citizens in a democratic and accountable manner. A closer look at post-war police and prison reforms revealed that new institutional rules did not change security practices. In addition, economic elites, in close cooperation with conservative political elites, pursued an economic order which is conducive for the continuance of social violence. To sum it up, three issues impeded violence control after the civil war: coercive state security practices, the discourse of political elites which disconnected social violence from state policies, and a neoliberal economic order fostering social exclusion.

8. The FMLN and citizen security

8.1 Introduction

In the light of the paradigm shift towards the protection of citizens and their rights by the state which was sought to be established with the Peace Accords, this chapter asks whether the new paradigm became a political goal of the FMLN. Or, put differently, it questions in how far the FMLN has managed to establish and use political power in order to provide security. It also explores what kind of security the FMLN aimed to provide. This chapter is the first of three empirical chapters seeking an answer for these questions. It traces the development of security thinking of the FMLN as a political party (Section 8.2) and the subsequent elaboration of a security policy (Section 8.3). It contrasts the FMLN's security policy goals at the beginning of the term with the lack of progress of security reforms by the end of the first term of the FMLN government which leads to the main research question as to why security reforms under the FMLN government did not lead to a reduction of violence.

8.2 The FMLN and citizen security between 1992 and 2009

While some scholars explored the FMLN's development as political party in the aftermath of the Peace Accords (Section 6.3), studies about the party's security thinking are still largely missing. To date, only three academic studies are known to me, namely Cruz (2012), Aguilar (2014), and Van der Borgh and Savenije (2014). I refer to their findings in this chapter where relevant. This goes along with the general lack of comprehensive research about security thinking of Latin America's Left. There are a number of academic publications about Latin America's 'New Left' studying how left parties rose to power in several countries of the region since 1998 (e.g. Chavez et al., 2008, Levitsky and Roberts, 2011, Ellner, 2014). Although parties were quite diverse in their ideologies and policies, analysts articulated some commonalities about the 'New Left'. They argued that it owed much of its strength to the provision of an alternative to the neoliberal policy of conservative governments and international financial institutions in the 1980s and 1990s by offering a new vision of a state being more responsive to societal needs (Arnson, 2007, Grugel

and Riggirozzi, 2012). This 'post-neoliberal' (Grugel and Riggirozzi, 2012) vision of the state aimed at addressing social issues which concerned large parts of the population such as poverty and violence. Some analysts and policy-makers distinguished between two currents, the 'populist Left' which, in simplistic terms, is seen as 'anti-capitalist' and radical, and the 'social democratic Left' which is seen as more moderate and adherent to the conditions of liberal markets (Ramírez Gallegos, 2006, Ellner, 2012). This dichotomy was criticised for overlooking the different characteristics of each left project (e.g. Ramírez Gallegos, 2006, Schamis, 2006, Roberts, 2007). However, it showed the wide ideological spectrum in which left policies sought to develop their post-neoliberal agendas. In El Salvador this wide spectrum is reflected in the existence of the moderate and orthodox wing of the FMLN (Section 6.3). Funes had won the elections with broad support from the FMLN base as well as centrist voters, but he was not part of any ideological current. His administration was considered to be a mix of policies aiming to appeal to both wings, with a stronger tendency toward the moderate wing (Perla and Cruz-Feliciano, 2013: 84). The conflicts this constellation brought along in terms of security policy are depicted in the following chapters. However, specifically outstanding was the development of a vision of citizen security that reflected the post-neoliberal ideas of rapprochement between the state and non-elite parts of the society. This was remarkable given that many left governments in the region were strong in developing social policies but did not engage in likewise pressing security issues. Yashar (2011: 200) explained this lack of engagement by stating that security is traditionally considered a topic of the Right. After all, the conflict between the Latin American military dictatorships of the 20th century and their perceived opponents was a split between the Right and the Left. It was the military governments of the Right that defined security as national security which included the adherence to the military regime by suppressing citizens and opponents from the Left. Furthermore, Yashar argued that the Left's reluctance in addressing security issues also explains the research gap around this topic. Indeed, while there is a large amount of literature dealing with the convergence of the Left on various policy areas, only few contributions critically analysed the relation of the Left with security issues (Yashar, 2011, Rochlin, 2011, Sain, 2013). However, the FMLN *did* elaborate on a security agenda prior to the presidential elections in 2009, and it is worthwhile to explore its successes and

failures in order to see what characterises a left security approach. The discussion in this and the following chapters traces this process, drawing on data from my own field research and other available sources.

Until 2009, security decisions at the national level remained in the hands of ARENA-led governments. As mentioned before, among the few security initiatives undertaken by ARENA presidents, *mano dura* was the most prominent example of a half-hearted, poorly planned, and poorly realised policy. There is little research about the governments' positions regarding issues of insecurity before *mano dura* was launched in 2003 (Section 7.3). There is even less knowledge about the FMLN's perspective on security issues. Elana Zilberg (2011: 169) pointed out that the Left, similar to the Right, supported a 'tough on crime' approach during the early post-war years. Zilberg also mentioned that the Left came out against *mano dura*, which leads to the assumption that a change in the FMLN's security thinking towards a more critical stance against authoritarian security approaches has happened between 1992 and 2003. However, there is little evidence as to when the FMLN actively started searching for its own political responses to social violence. In an interview, the Salvadoran Historian Guidos Véjar maintained that the FMLN actually agreed with several of the *mano dura* suggestions and thus did not distance itself from *mano dura*.[86] Other authors agreed with Zilberg that FMLN leaders criticised the hard-line approach (Equipo de la revista 'Proceso' de la UCA de El Salvador, 2003, Amaya, 2012). Either way, the development of the National Policy of Justice, Public Security, and Living Together (PJSC) prior to the elections in 2009 clearly marked the dismissal of *mano dura*. Until then, the FMLN had no security strategy at the national level, despite the ever increasing problems of violence for more than 15 years. This lack of engagement with security issues was similar to other left political forces in Latin America, as Yashar (2011: 200) showed (see above). As a political party, the FMLN was slow in embracing new conceptualisations of security such as citizen security. It was only in 2006 that the FMLN started developing its own security framework.

[86] Interview with Rafael Guidos Véjar, 23 March 2012.

> [A]s a party, we have not had our own [security] policy before, but in 2006 we began the process of building it.[87]

This new security framework was built on citizen security principles as will be shown below. Citizen security is not a specifically left concept. In El Salvador, the impulse for citizen security came from civil society and international organisations. However, the FMLN's historical proximity to social organisations clearly impacted on the FMLN's interest in a citizen security perspective, as the broad involvement of the civil society in the development of the PJSC proved (see below for details).

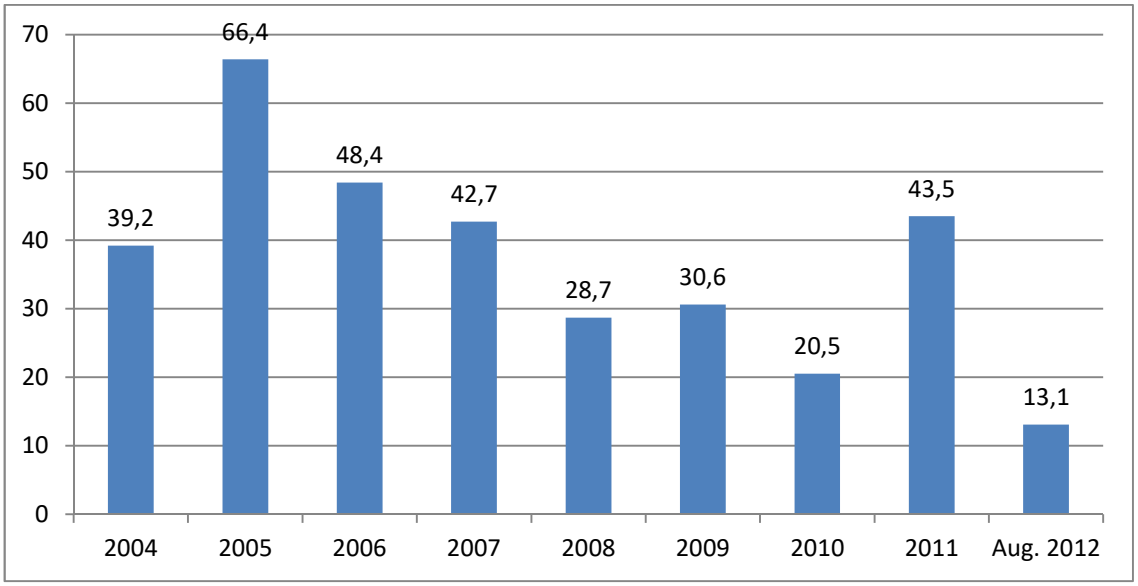
The FMLN's interest in a new security approach was also due to the local success of citizen security under the leadership of a charismatic FMLN mayor. Despite the internal power struggles described in Section 6.3, the FMLN gained essential votes since the elections in 1994 and thus managed to constantly accumulate political power. While ARENA continued to win all presidential elections until 2009, the FMLN soon caught up with ARENA in the legislative elections and won 27 seats (ARENA: 28) in 1997 and 31 seats (ARENA: 29) in 2000 (CIDAI, 1997, Base de Datos Políticos de las Américas, 1999a). Even more significant is the FMLN's electoral strength in the urban centres as Manning (2008: 119-120) showed: by 2003, nine out of ten urban centres were governed by FMLN mayors. These mayors did play an important role within the party as local offices often served as springboard to national office, as Manning and other authors found.[88] This was also true for Óscar Ortiz who was FMLN mayor of Santa Tecla between 2000 and 2013. Santa Tecla is a city at the margins of San Salvador and represented the role model of a successful citizen security strategy. Homicide rates in Santa Tecla were significantly reduced from 66.4 homicides per 100,000 inhabitants in 2005 to 30.6 in 2009 and 13.1 in August 2012, as Figure 1 shows (SACDEL, 2013: 42). As with most Salvadoran homicide statistics these numbers should be dealt with caution. Numbers for 2011 were exceptionally high, while in August 2012, the gang truce was already in place which may have affected homicides rates for that year. However, at the

[87] Interview with Benito Lara, 11 February 2013.

[88] This is particularly true for the mayors of San Salvador where today, due to rapid urbanisation, about one third of Salvadorans live. Various mayors became candidates for presidential elections (Armando Calderon Sol, 1994), and Norman Quijano, 2014) or were at least considered as such (Héctor Silva, 2004).

time of the development of the PJSC, between 2008 and 2010, numbers had already decreased and served as proof of success.

Figure 1: Homicide rate in Santa Tecla, 2004-August 2012 (per 100,000 inhabitants)



Source: SACDEL (2013: 42).

Much of this success was attributed to Ortiz' capability of implementing a visionary long-term security strategy (WOLA, 2011: 13, Zoethout, 2014, Interpeace, 2014b). This comprised different measures such as a strong focus on prevention through the recuperation of public space, the launch of an 'Observatory for the Prevention of Crime' to collect detailed data on crime and violence in the local area, the active participation and consultation of citizens, and constant coordination with local, state, and non-governmental actors. Ortiz was a key figure in the FMLN's reformist wing. Together with other mayors of large municipalities he represented a new generation of FMLN leaders who challenged the power of the orthodox wing (Manning, 2008: 127-134). His name came up during the debate on Manuel Melgar's successor as Minister of Public Security in 2011,[89] and since 2014 he has held the position as El Salvador's Vice President. His political weight and his experience in significantly reducing violence rates at the local level against the national trend had fostered the political will to develop such a strategy at the national level. This view was confirmed during an interview with Benito Lara[90] who did not mention Ortiz

[89] Interview with anonymous informant R30, 02 March 2012.
[90] Interview with Benito Lara, 11 February 2013. As former head of the Legislative Assembly's Security Commission, Lara was actively involved in the creation of the PJSC.

explicitly but, being asked about the origins of the PJSC, pointed to the experiences of the local governments with citizen security and to their pivotal role for security provision.

> [A]s a party, we have not had our own [security] policy before, but in 2006 we began the process of building it. We did not start from scratch because the Public Security Commission of the Legislative Assembly… our deputies there were already making some progress in developing policies. The local governments of the *Frente* also did something in the preventive realm. But as a party, we did not have a well-structured policy. [...] So we had a number of meetings. [...] The main focus was on the issue of prevention, which was the main theme, giving the local governments an important role. In any prevention policy, it is the local governments which must make the main effort.[91]

These foci on local communities and on prevention were central aspects of the PJSC, as we will see in the following section. So far, it can be stated that despite the disappointment and dissociation of some former leaders and members post-Peace Accords (Section 6.3), the FMLN did manage to acquire political power after its transformation to a political party. It can also be said that, while the party was slow in addressing security issues, it increasing applied itself to this field. The following section examines how it addressed problems of violence and crime.

8.3 The FMLN's Policy of Justice, Security, and Living Together

8.3.1 Policy formulation

In this section, the objectives of the PJSC that were developed at the beginning of President Funes' term and their (lack of) realisation at the end of the term are compared. A look at homicide numbers quickly reveals the mismatch between policy formulation and implementation. Likewise, in interviews that addressed

[91] Ibid.

the PJSC, most responses either implicitly perceived the policy as failed or explicitly mentioned such failure.[92] More than this, a gap is spotted between the security policy and the situation in many security areas at the end of the term. However, a more detailed analysis of the development of the particular security strategies is missing. So far, only few scholars published an analysis: Van der Borgh and Savenjie (2014) published an article that examines the Funes government's security policy with regard to the gangs, and a study by the Salvadoran IUDOP institute (Aguilar, 2014) analysed the security and justice policy between 2009 and 2014. Only the IUDOP study fully addresses the strategies of PJSC. Some of this information is used in the analysis below to enrich own data. In addition, some studies about single aspects of the policy are used to complement the overview of the realisation of the PJSC. We will see that the FMLN developed numerous comprehensive proposals only some of which were implemented while many ideas remained unrealised. The research sub-questions emerge out of this gap between the plan and the precarious security situation at the end of the term: 1.) How did the FMLN government 2009-2014 respond to violence in El Salvador and 2.) Why was the FMLN government not able to implement its far-reaching and well-designed security plans? In the remaining part of this chapter, the first question is addressed by contrasting the security plans (Section 8.3.1) and their implementation (Section 8.3.2). In the following chapters, security practices are discussed in greater detail which includes seeking an answer to the second research sub-question outlined above and eventually an answer to the general question as to why violence was not reduced.

The FMLN government's security policy is articulated in the *Política Nacional de Justicia, Seguridad Pública y Convivencia* (PJSC). This paper originated in a process of creating the FMLN's vision of citizen security prior to the presidential elections of 2009. As mentioned above, in 2006 the FMLN started to develop a left security paper as a counterpart to *mano dura*.[93] This proposal was called *ciudades seguras* (safe cities) and was made known to party members and supporters during a large festive event at a football stadium in San Salvador. It focused on preventive approaches by strengthening local councils. This first

[92] See interview responses in Section 8.3.2.
[93] Interviews with Óscar Fernández, 22 February 2012 and Benito Lara, 11 February 2013; Urquilla (2006).

draft of a left security policy was elaborated further between 2008 and 2010. In 2008 during the presidential campaign of Mauricio Funes, roundtables for different policy fields were set up in order to formulate a government programme, so called *mesas del diálogo social abierto* (roundtables of open social dialogue).[94] At these roundtables, state and non-state experts in the respective policy field such as parliamentarians, academics, and experts from national and international NGOs participated. The roundtable for public security comprised 'security experts' from the FMLN, NGOs, academia, community councils, the justice sector, and the PNC - many of whom started working or were already working as state officials after the FMLN won the elections.[95] At the same time, roundtables at local communities throughout the country were set up, gathering problems and requests from citizens and developing proposals on how to improve their situation – in terms of security as well as other issues. The process was participatory in the sense that it attempted to reach out to 'ordinary' citizens in an unprecedented way to collect their ideas and needs. Therein it must be considered that citizen involvement remained rather light, if it took place. Interview statements contradicted as to whether local and expert views were exchanged, and no evidence was found that the Frente (FMLN) followed up on citizens who submitted suggestions to see to what extent their requests had been addressed.[96] However, the *mesas del diálogo social abierto* stand for an innovative approach of developing a government programme in collaboration with the civil society, even if most of the input came from officials or experts. Oscar Fernández, security adviser of the FMLN, explicitly drew a parallel between the party's origin in social organisations and the inclusion of the civil society in the development of the security policy.

> SHF: How did the idea emerge to create a participative space for developing a security policy?
>
> OF: Well, this has to do with… first, with our origins. We were born glued to the people, we fought with the people.

[94] Interview with police official R27, 12 April 2012.
[95] Interview with state official R2, 03 March 2012 and Email communication with state official R2, 04 February 2013.
[96] Interview with Benito Lara, 11 February 2013 and Email communication with state official R2, 04 February 2013.

> Many of the issues that constituted our vision of the revolution were obviously popular. Yes, [...] we subsisted on the people, we are not a party of elites. […].[97]

From the first drafts at the roundtables to the final document it took approximately two years to formulate the strategy. It was finalised in early 2010.[98] Earlier versions were circulated among the FMLN before the elections in March 2009 and before President Funes took power in June 2009. This lengthy process of the mere development of a policy which continued after the FMLN took office was a first indicator of the difficulties the FMLN government had with starting the implementation of the ambitious security agenda. The fact that the policy was never made known to a large public underscored these early difficulties. Neither the President nor the Security Minister actively promoted the security strategy in the media.[99] Thus, security decision-making under Funes actually began with a negative decision. This is to say, it was a deliberate decision to not announce the PJSC, even though insecurity was a huge concern at that time and a policy to encounter it had been formulated. The reasons for this negative decision are not entirely clear. The FMLN security experts who were interviewed did not have knowledge about the reasons for not announcing the strategy or avoided to give reasons. Only one interviewee supposed that the government feared to make itself vulnerable to critics from the opposition and the media.[100] This view suggests that there was significant pressure from state and social actors on the government right from the beginning of the term. Similarly, Van der Borgh and Savenije (2014: 14) pointed to the pressure on the government due to the tense security situation at the time of Funes' inauguration and the ever increasing threat the gangs posed to public security. Whatever the reasons for not announcing the PJSC, it raises the question how the government can work towards providing security for citizens if the citizens are not made aware of the government's security plans.

Five pillars form the PJSC: a) controlling and repressing crime, b) social prevention of violence and crime, c) rehabilitation and reintegration, d) attention

[97] Interview with Oscar Fernández, 22 February 2012.
[98] Email communication with state official R2, 04 February 2013.
[99] Only reluctantly did Minister Melgar and Hato Hasbún, Head of the newly formed Security Cabinet, at a press conference reveal a few aspects about how to address security issues (Martínez, 2010b).
[100] Interview with police official R27, 12 April 2012.

to victims, and e) institutional and legal reforms (Ministerio de Justicia y Seguridad Pública, 2010). Table 2 shows the basic 'strategies' for each pillar.[101] For every strategy, an action plan with numerous programmes was developed. The newly created Security Cabinet in which representatives from the most important state security institutions participated, took over the task to coordinate the various state security institutions to guarantee an integrative approach.[102] In 2010 the Prevention Cabinet was created which, as the name suggests, was responsible for coordinating all state activities with regard to the prevention of violence.[103] The existence of these two Cabinets underscored the FMLN's basic approach to security: balancing its policy between a long-term focus of social prevention (*prevención social del delito*) and the ability for immediate action to control crime and violence (*represión del delito*). Accordingly, the first two pillars of the five-fold policy are the most important ones. Such a strong focus on prevention was unprecedented in the history of security provision in El Salvador. Under previous governments it was mainly the CNSP that recognised the value of prevention and proposed a stronger consideration of preventive measures, but the proposals were never put into practice.[104]

Table 2: The FMLN's Política Nacional de Justicia, Seguridad Pública y Convivencia, 2010

Pillar	Strategy
Controlling and repressing crime	Improve criminal investigation, especially with regard to organised crime
	Reduce impunity through better coordination between the PNC and the State Attorney's Office (FGR), improve police intelligence

[101] This work refers to the document that represented the final version of the PJSC under Minister Melgar from May 2010. The document was slightly modified under Minister Munguía Payes in 2012. The strategies outlined in the version from May 2010 are not necessarily recognizable as strategies (in the sense of explaining how a goal is achieved) but mix with the policy's goals. However, to avoid confusion, I will stick to the term "strategy" as used by the PJSC.
[102] See Section 3.2 for a list of members.
[103] The Prevention Cabinet initially comprised representatives from the MJSP, the Secretary for Social Inclusion, the Sub-Secretary for Territorial Development and Decentralisation, CNSP (which was dissolved in 2011), National Directorate of Youth, PNC, and the Social Investment Fund for Local Development (Aguilar, 2014: 67-68).
[104] See Section 4.3 on the creation of the CNSP and Van der Borgh and Savenije (2014: 11-14).

	Professionalization and modernisation of the PNC
	Improve PNC formation at the Police Academy (ANSP)
	Improve migratory security and combat human trafficking
Social prevention of violence and crime	Strengthen prevention through local activities (e.g. create municipal councils for prevention (*Consejos Municipales de Prevención*), regain public space, develop youth programmes)
	Reduce risk factors of violence and crime, especially through gun control
	Keep youth from joining gangs and stimulate gang 'retirement'
	Prevent and reduce domestic violence and violence against women, minors, and elderly people
	Promote a 'culture of peace'
Rehabilitation and social reintegration, realisation of penalties	Increase security inside prisons through better technology and inter-institutional coordination
	Initiate formation of prison personnel
	Adequate attention to prisoners
	Improve prison infrastructure (incl. new prisons)
	Differentiate penalty system (probation as alternative to imprisonment)
	Reintegration of ex-prisoners into society with support of NGOs

Social reparations of crime and attention to victims	Improve institutional infrastructure to attend victims of crime
	Protect victims and witnesses
Institutional and legal reforms	Strengthen the Ministry of Justice and Public Security (MJSP), centralise information on violence and crime
	Improve access to justice through inter-institutional coordination and formation of officials
	Adhere to laws, norms, and standards

Source: author's elaborations based on MJSC (2010).

The focus on prevention, the participatory way in which the policy was developed, and the pivotal role local communities play, indicated the PJSC's normative orientation towards citizen security.[105] This is also reflected in the introduction of the policy paper.

> The policy developed in this paper is a state policy. It arises from a commitment by those responsible for security institutions to address the phenomenon of violence and crime in El Salvador from a collective and diverse vision of society of which broad participation is required from all of its components. In that sense, one of the most important principles is citizen participation which is essential for any public policy (Ministerio de Justicia y Seguridad Pública, 2010: 5).

The PJSC postulated the aspiration of the FMLN to be a government which works towards the rapprochement between state and society. It presumed that a state can only provide security to its citizens if social cohesion is regained:

[105] The key principles of citizen security were outlined in Section 2.1.2: citizen participation, prevention, focus on local communities, decentralisation, focus on development and equality, protection of the individual, and strengthening democratic security institutions.

> To retrieve the social fabric means that the state must come back to these places ensuring its presence and broadening coordination with local governments. On the other hand, it needs to strengthen the link between citizens and the state, so that there is not only a sense of belonging but a real inclusion (ibid. p. 17).

Oscar Fernández described the normative underpinning of the PJSC as follows:

> We proposed the following as a fundamental element: to effectively provide public security, it must be brought to the citizenry, it cannot be handled by a bureaucratic machinery that offers people only 'the stick'.[106]

Although Fernández rejected the term 'citizen security' as too broad, fashionable, and exchangeable, he underscored the importance of putting citizens at the heart of the policy. In his words, public security is:

> […] the lines and actions of the state in order to guarantee the order, tranquility and exercise your rights as a citizen walking, [...] sitting here and not being harmed, that is public security. And public security means if someone commits a crime, we must prosecute them, capture them, investigate them and bring them to justice.[107]

This normative orientation of security policy towards a focus on citizens reveals several important aspects. First, the FMLN did aim to use its political power to provide security which would centre on the protection of citizens. Second, the FMLN claimed to develop a policy which would not just create equilibrium between violence control and social prevention, but would create a balance between state and society. Becoming the ruling party meant the FMLN had to give up to a certain extent its perspective of looking at the state 'from below' while at the same time it did not want to lose its focus on the citizens. Reviewing the critical security studies literature (Section 2.3), I referred to Kirk and Luckham's (2012) conceptualisation of citizen security as having two sides: the right of citizens to be protected, and the responsibility of states to provide

[106] Interview with Óscar Fernández, 21 February 2012.
[107] Ibid.

protection. Commonly, the right of citizens to be protected is promoted by the civil society, while the state is more concerned with the production of security. The FMLN, coming from the midst of society, and turning into a central state actor, aimed at reconciling these two poles with the PJSC. However, not losing sight of the citizen perspective proved to be an enormous challenge for the FMLN once it faced the pressure of governing. As we will see below, the government did not manage to keep an equilibrium between these two poles.

8.3.2 Policy implementation

It is comprehensible that the ambitious security strategy outlined above raised many expectations among the FMLN, the party's supporters, the civil society, international donors, and parts of the business sector. Even some gang leaders hoped that with the FMLN in power, new opportunities would arise for some sort of social inclusion of the youth in the most marginalised neighbourhoods (Van der Borgh and Savenije, 2014: 15). Yet, half way through the term the implementation of the policy was largely perceived as failed by state officials, police officials, and the wider public, as the following three statements make clear.

> I think that the 'National Policy of Justice, Public Security and Living Together' is a very important document that occurred in the country as a comprehensive proposal for addressing the phenomenon of violence and crime. Now the problem is firstly that the policy was not socialised, meaning that [...] no thorough discussion with the society took place.[108]

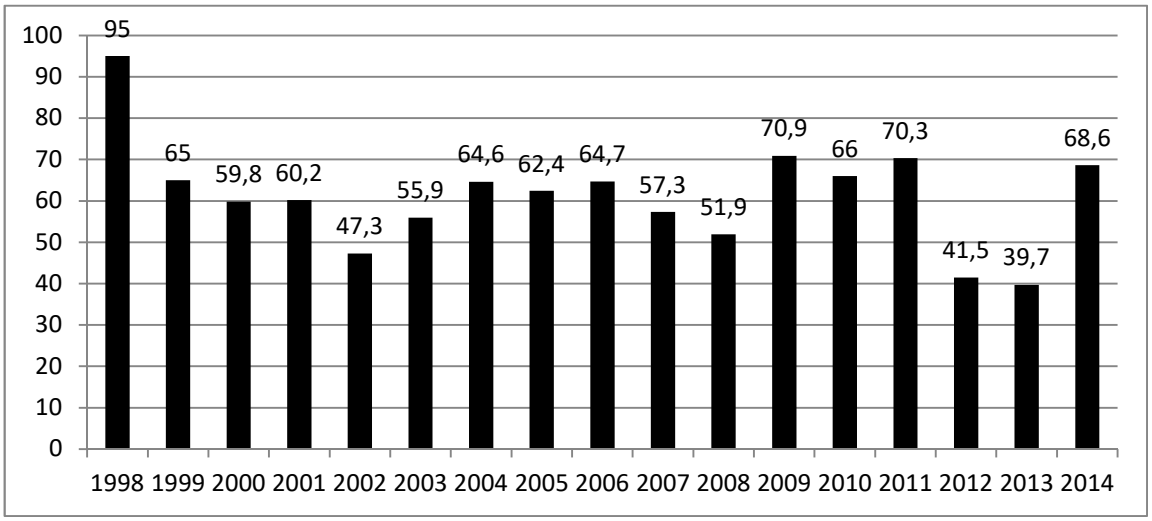
> The 'Policy of Justice and Public Security' has been very well designed and there are people who [...] have much technical knowledge [but] they are not considering that the discrepancy [i.e. difference, SHF] of political colors can influence work with local government.[109]

[108] Interview with state official R2, 05 March 2012.
[109] Interview with police official R29, 18 April 2012.

> I think there are very good efforts in social policies, very good efforts, but there is enough investment in prevention, sufficient cohesion, sufficient coordination in prevention, so that the two efforts [repression and prevention, SHF] go hand in hand.[110]

This perception of a well-designed but insufficiently implemented policy is confirmed with a look at the statistics. The clearest indicator of failure is the homicide rate.

Figure 2: Homicide rate in El Salvador, 1998-2014 (per 100,000 inhabitants)



Source: Author's figure with data from UNODC (2011) for 2003-2010, Aguilar (2014) for 2011-2013, and Guerney (2015, data: IML) for 2014.

The graph shows that at the beginning of Funes' term, the rate was peaking at 70.9 homicides per 100,000 inhabitants, a value that had not been reached since 1998. It highlights the difficult circumstances under which the FMLN government started. Numbers remained at this height until 2012 when homicide rates dropped to 41.5. Such a low score was last measured before the plans for the *mano dura* initiative were implemented in 2003. This reduction can clearly be attributed to the gang truce as the total number of murders per month shows. In January and February 2012, 413 and 404 homicides were registered respectively (El Faro, 2015). In March, when the truce was announced, only 255 homicides were counted, a number which further fell to 157 in April and remained under 200 for more than a year. These numbers tell us that while the

[110] Interview with police official R9, 21 March 2012.

homicide rate decreased significantly during the FMLN's first term in government, this decline has nothing to do with the PJSC since the truce was not part of it. In Chapter Ten this thesis examines the truce in more detail, establishing clearly that the truce was an example of the government's ad hoc decision-making. For now, we can state that the PJSC did not serve to reduce homicide rates, even if it is taken into consideration that some measures only can show positive results in the mid and long term. This is confirmed by a look at the more recent numbers: In 2014, the average number of homicides went back up to 68.6 per 100,000 inhabitants, according to the IML (Guerney, 2015). During the second half of 2013, when the truce was slowly falling apart, monthly homicide rates steadily rose again from 253 in July 2013 to 372 in June 2014, when the new FMLN government took over under Sánchez Cerén. In March 2015, numbers peaked at 481 homicides.

These homicide numbers indicate the overall direction that security provision took in El Salvador and are commonly referred to by academics, practitioners, and the media to point to the government's failure in security provision. However, a more substantial examination of the government's security performance is needed to prove the gap between the FMLN's objectives it set out to achieve at the beginning of their term, and the security situation at the end of the term. A more detailed look at further data demonstrates that none of the five areas of the PJSC show significant improvements, despite the realisation of at least some goals. A lot could be written about each strategy outlined in the table above, and the next chapters focus on just two aspects in detail, police professionalisation and prison policy. However, the purpose here is to draw a picture of the FMLN's overall performance in security provision, based on the party's own measures, and to articulate some issues of violence which were not addressed in the policy.

8.3.2.1 Controlling and repressing crime

Under the first pillar (controlling and repressing crime), the policy aimed to contain organised crime through better investigation; reduce impunity through better coordination between the police and the state's attorney's office; the professionalisation and modernisation of the PNC; improve police formation; and improve migratory security.

There were two big criminal networks in El Salvador, the Texis Cartel and Los Perrones, who continued to exist beyond the Funes term. As so called *transportistas*, the Texis Cartel was a transnational trafficking group involved in large-scale smuggling of drugs (mostly cocaine) and money laundering (UNODC, 2012: 21-26). The Cartel mainly relied on corruption and bribery rather than violence to manage its activities. In 2011, the Salvadoran online newspaper El Faro published a report that revealed the Texis Cartel's widespread infiltration of the police and its close links with high-level politicians, judges, and persecutors (Arauz et al., 2011). Prosecutions against the three leaders of the Cartel started in late 2012 but only one of them was prosecuted for drug trafficking, and by 2014 none of the alleged three founders had been convicted. According to El Faro, no state officials were charged so far (Martínez, 2014). Los Perrones were also a *transportista* network who used corruption and bribery, penetrating security agencies and political circles, but who also used violence to manage their business. They were said to have links with *maras* (UNODC, 2012: 26, InsightCrime, 2015). Despite prosecutions, authorities had difficulties in breaking up the network, and the group continued with its business. Not least, it was the insufficiency of the legal system and the failure of the government to reduce impunity that accounted for these difficulties, as the following numbers show.

Between 2009 and 2013 only 15% of legal cases were closed with a sentence (Aguilar, 2014: xxviii). This shows that the situation had not improved compared to previous years (2006-2009) during which about 80% of proceedings were dismissed (ibid.). Given that not all acts of crime and violence were registered, these numbers reveal the inadequate legal responses to crime and violence. The inactivity of the State Attorney's Office (FGR) with regard to the persecution of crime, including organised crime, led the government to initiate a commission against impunity, similar to the International Commission against Impunity in Guatemala (CICIG). However, this Commission never started to work (Aguilar, 2014: 74). The difficulty of obtaining reliable data is proof of the notoriously poor coordination between the PNC and the FGR. To take just one example from the IUDOP study, there was a huge discrepancy between the numbers of rape registered by the PNC, the FGR, and the Institute for Forensic Medicine (IML) (Table 3). Theoretically, these numbers should correspond in every institution

for each year. The discrepancies do not allow for any objective account regarding the development of violence against women since they lead to differing conclusions. While the PNC and FGR noted an increase of registered accusations of rape between 2009 and 2013, the IML's number of medico-legal assessments of rape decreased during the same time period.

Table 3: Registered complaints and medico-legal assessments of rape, 2009-2013

Year	Complaints		Medico-legal assessment
	PNC	FGR	IML
2009	2,074	3,328	2,260
2010	2,495	3,167	1,992
2011	2,287	3,540	1,992
2012	2,589	-	1,913
2013	-	3,599	1,972

Source: Aguilar 2014: 29 (data: PNC, FGR, and IML).

Police formation and professionalisation were strategies under the first pillar of the PJSC which received much attention during Funes' term. Plans to improve police performance actually dated back to before the PJSC. In 2008, a comprehensive analysis of the PNC performance was undertaken with the help of USAID. When Funes took power, the window of opportunity to implement the recommendations of the analysis seemed to be widely open. Reforms were initiated especially with regard to strengthening community policing, formalising police careers, and improving investigative capacities and internal accountability. The promising start of police reforms experienced a serious setback due to personnel changes and resistance from the Right and the military. However, in some areas like community policing, reforms actually took place. Detailed data about the police reform is presented in Chapter Nine.

Migratory security represented another strategy of the first pillar, but remained a challenge for Salvadoran governments: While the overall number of

undocumented migrants apprehended at the US border (most of them Mexicans) dropped significantly during the last decade, the number of non-Mexican undocumented migrants increased by 175 percent between 2011 and 2013. These migrants came primarily from Honduras, Guatemala, and El Salvador, as a WOLA news report based on US border patrol statistics found (Isacson, 2014). In addition, the number of unaccompanied children travelling from the Northern Triangle towards the US, increased steadily since 2009, with an unprecedented peak in 2014 when 67,000 unaccompanied children were detained in the US (Isacson, 2015).[111] Data about trafficking is not comprehensive enough to get a clear picture of the development of the issue during the Funes term. However, there are indications that especially women and unaccompanied children travelling north became targets of trafficking networks. While anti-human trafficking training took place at the PNC, the FGR, and the courts, the conviction rate remained low. Out of the 96 traffickers arrested between 2009 and 2014 35 were sentenced (López and Orellana, 2015). Migratory security is closely linked to issues of violence and the lack of economic opportunities in El Salvador, as argued in Section 7.5. Taking the perspective of the Salvadoran society, it becomes apparent that as long as the threat of insecurity and deprivation outweighs the risks of undocumented migration, large-scale migration will continue to exist.

In sum, the problems that the Salvadoran government aimed to address in this first area remain in their majority unresolved, despite some effort made to address them.

8.3.2.2 Social prevention of violence and crime

The second pillar of the PJSC focused on prevention. This included prevention through local activities, gun control, reducing gang memberships, reducing domestic violence and violence against women, minors, and elderly people, and promoting a culture of peace.

Although the Prevention Cabinet was not perceived as being very active in public, prevention became a buzzword under the FMLN government. Numerous programmes and activities were initiated, often with the support of international

[111] This peak is not repeated in 2015, probably due to Mexico's Southern Border Plan according to which migrants are stopped and sent back further south (Isacson, 2015).

donors. In eight interviews the FMLN's approach to prevention came up. In seven of these, the strategies were considered a positive idea that failed in practice.[112] Three major problems were identified to have impeded the success of the programmes. First, interviewees attributed the failure to the lack of expertise and coordination among the involved institutions.[113] Neither the Cabinet nor the Ministry managed to coordinate the multitude of activities and institutions involved. Van der Borgh and Savenjie (2014: 13) came to the same conclusion in so far as they listed eight different state institutions working on prevention, non-governmental institutions not included. Second, the lack of coherent information and reliable data represented a huge obstacle for the implementation and evaluation of the policy. During his short term of office as Vice Minister of Justice and Public Security from 2012 to 2013, Douglas Moreno took over the responsibility for prevention in the MJSP. Moreno expressed his concerns regarding the difficulty of working towards a policy of prevention that had insufficient foundation.

> SHF: And the prevention plan also started in 2009?
>
> DM: No.
>
> SHF: It's something new?
>
> DM: It was a disaster, it is a disaster. We had strong control over the combat of crime, [it was] complicated, perhaps badly done. [But] the strategy towards prevention is a disaster. [...] The prevention policy is not there, it does not exist, they do not have the know-how. Everything has been called prevention, this is nothing, that is what I encountered right now. My task is to build that information because decisions about prevention have been made without information, the most absurd thing. So I have not found anything systemised. […].[114]

[112] Only Minister Munguía Payés considered prevention a success but related this success to the gang truce. Interview with David Munguía Payés, 19 March 2013.
[113] Interview with police official R29, 18 April 2012; Douglas Moreno, 11 April 2012.
[114] Interview with Douglas Moreno, 11 April 2012.

Third, the failure was attributed to pressure from the Right, from business people, from the US, and from the media placed onto the government to achieve immediate results.[115] The first two problems are to some extent comprehensible given that the Funes administration was the first Salvadoran government to embrace a preventive approach. However, lacking expertise and coordination are not just technical problems which can be resolved by adding more expertise and more coordination. Instead, they point to an underlying mismatch between the new government's plans and the already existing state institutions that are part of certain bureaucratic procedures. In other words, state practices within the realm of state institutions impact on the policy outcome. The third problem points to the impact of yet other state actors as well as non-state actors on the policy process. These interlinkages are analysed in more detail in the next two chapters with regard to police professionalisation and prison reforms. Although these two cases are not mentioned under the prevention pillar, we will see that they were clearly designed with a preventive focus in mind. The following examples that refer to the strategies under the prevention pillar further demonstrate the problems that existed with the implementation of a prevention policy.

At the local level, the establishment of Municipal Councils for Prevention was considered a success according to the evaluation of the USAID work on community-based prevention (Berg-Selikson, 2014: 14). These Councils were established in high-crime, at-risk neighbourhoods, bringing together the various local stakeholders on security and prevention. These included especially the police, school directors, clergy, community development association leaders, and health service providers. However, the resulting experiences varied between municipalities. According to a government official, in some cases, the Council did not become very active. Moreover, in many instances other prevention programmes were already in place which led to rivalry with the new programme (Galván, 2010). Hence, despite the increased awareness for local focuses of preventive work, the duplication of efforts deflated the idea of prevention.

[115] Interview with Manuel Melgar, 26 March 2012; Oscar Fernández, 13 February 2013; police official R9, 21 March 2012.

The total number of arms circulating in the country is unknown and the number of unregistered arms probably exceeds the number of registrations by far.[116] The number of registered arms went from 23,324 (2009) to 35,575 (2010) to 25,151 (2011) (Aguilar, 2014: 17) but there is no explanation provided for this big variation. A detailed picture of the gun problem is therefore difficult to obtain. However, guns were definitely a problem in El Salvador since about 70% of homicides were committed with firearms.[117] Therefore, the FMLN proposed a change of gun control legislation towards creating more incentives for the registration of arms. While the proposal was debated in the Legislative Assembly, it was not supported by the other factions (Mejía, 2010). Resistance against improved gun control is likely to be linked to the involvement of the military in arms trafficking (Chávez, 2012, Gagne, 2014). This situation resembles the results of other strategies: The FMLN did approach the topic with a plan to bring about change but in practice no improvement was achieved.

A similar problem with obtaining reliable data appeared with regard to gang membership. Numbers vary widely among the different sources but an increase is most likely to have happened during the past years. According to the UNODC (2007: 60, 2012: 29), Salvadoran gangs had about 10,500 members in 2007 while in 2012 20,000 people had joined the gangs. The World Bank (2011: 15) estimated the number of gang members at 10,500 in 2011 and Farah (2013: 5), referring to data from the PNC, suggested there were 36,000 gang members in El Salvador in December 2011. While these numbers differ significantly, there is no evidence that the number decreased between 2009 and 2014. Hence, it cannot be assumed that the FMLN's plan to reduce the number of gang members succeeded.[118]

As for violence against women, the data was contradictory as demonstrated in the example of registered rape in Table 3. The same problem arose with regard to domestic violence. While the governmental Institute for the Development of

[116] A UNDP study from 2003 estimated that about 60% of all arms circulating in the country are unregistered (PNUD, 2003: 2).
[117] This number slightly reduced after 2010 but Aguilar argued that this reduction is likely to be due to the gang truce (and not to the PJSC) (Aguilar, 2014: 17-18).
[118] Not only are numbers of gang members unknown but it is also unclear how much of the violence can be attributed to the gangs. As mentioned in Section 7.5, official figures range from 11 to 30% of homicides committed by gang members. This stands in stark contrast with a statement to Minister Munguía Payés who suggested that 90% of homicides were committed by the gangs (Ávalos, 2012).

Women (ISDEMU) reported a decline of domestic violence from 6,711 complaints in 2009 to approximately 4,530 in 2013, the PNC reported an increase from 2,137 cases in 2009 to 3,052 in 2013. The FGR and the IML also reported a rise of incidents but yet again with other numbers.

Finally, the prevention policy aimed to promote a 'culture of peace'. The term related to the General Directorate for Social Prevention of Violence and for Culture of Peace, Pre-Paz, which was part of the MJSP and one of the many institutions involved in preventive programmes. According to the PJSC, the strategy for a 'culture of peace basically consisted of campaigning for values of '*convivencia ciudadana*' ('citizens living together'). (Ministerio de Justicia y Seguridad Pública, 2010: 20). One such activity was the '*campaña de mediación del buen vecino y de la buen vecina*' ('campaign for mediation of good neighbourhood') to train community leaders and schools to conduct activities which would promote values such as tolerance, respect, and solidarity in communities, schools, and families (Ministerio de Justicia y Seguridad Pública, 2011). The impact of these campaigns was difficult to measure, and no evaluation of the programmes was found. A multitude of other activities and programmes under the heading of 'culture of peace' were initiated by central state institutions, local communities, academia, and international NGOs. For instance, with support from the German development organisation GIZ, the Don Bosco University set up a master programme for 'politics of prevention of youth violence' as part of a planned lectureship on the culture of peace. While these campaigns and programmes for peace education were not necessarily related to the PJSC, they shared certain features with the efforts and failures of the state's prevention policy. Programmes were designed with good intentions but could only resort to a small pool of experts, and problems with cooperation among the involved organisations limited their success.[119]

8.3.2.3 Rehabilitation, reintegration, and penalty system

Section 7.4 showed that criminal procedures were modernised after the civil war but these reforms were not used by ARENA governments to change practices of penal populism. In this sense, prisons turned into overcrowded, poorly administrated, and violent places of abandonment. For the FMLN government to reverse this process under the claim of citizen security provision implied

[119] Research Diary, 02 March 2012 and 12 March 2013.

developing reform strategies which would not only mitigate the effects of state abandonment, but build an institution capable of providing humanised conditions for inmates and employees, rehabilitation opportunities, and a secure environment both inside and outside the prisons. The third pillar of the PJSC focused on improving the prison infrastructure and security, differentiating the penalty system, the formation of prison personnel, and the reintegration of ex-prisoners into the society. Details about how prison reforms were designed and realised are explored in Chapter Ten.

8.3.2.4 Reparations and attention to victims

The fourth area of the PJSC concerned the myriad of victims of crime and violence. Before the PJSC the rights and needs of victims were not considered in any governmental security approach. Those state institutions which attended victims did not necessarily do so in an integrative and coordinated manner, as an analysis of services to victims of sexual violence revealed (Luciano Ferdinand, 2011). Support for victims was mainly ceded to NGOs, and the state tended to perceive victims merely as useful witnesses in court (Marroquín, 2013a). The PJSC aimed at improving this situation by establishing a better state infrastructure to attend victims of crime and violence, and by strengthening state capacities to protect victims and witnesses. In practice, this part of the policy received very little attention, as Minister Munguía Payes admitted.[120] In 2011, the Directorate of Attention to Victims (DAV) was founded as a unit of the MJSP, but it was only during the last year of the Funes government that the DAV gained momentum and started a campaign to increase its visibility and offer legal and psychological support to victims (MJSP/ Dirección de Atención a Víctimas, 2012). In an interview with the online newspaper Contrapunto, the Director of the DAV attributed this momentum to yet another change of personnel when Ricardo Perdomo became Minister of Security in May 2013 (Marroquín, 2013a). However, according to its Director, the DAV attended 150 cases by September 2013 (ibid.). This is an infinitesimally small number, given that in 2013 alone, 2,490 homicides, 3,491 sexual assaults, and 2,785 cases of extortion were registered.[121] These cases do neither consider any other kind of assaults or robbery, nor the number of family members of victims, nor the large

[120] Interview with David Munguía Payes, 19 March 2013.
[121] Numbers refer to statistics from the PNC (homicides and extortion) and IML (sexual assaults). For homicides, see Santos (2014); for sexual assaults and extortions see Aguilar (2014: 27; 36).

number of undetected and unregistered cases. These numbers imply that the large majority of victims of violence and crime remained without legal, psychological, or financial aid from the state at the end of Funes' term.

8.3.2.5 Institutional and legal reforms

Finally, the FMLN government sought to improve the institutional architecture of state security provision. The aims of this fifth area were to strengthen security governance by strengthening the MJSP, establishing mechanisms for the systematic collection and analysis of data about violence and crime, improving access to justice and strengthening alternative methods of conflict management, and guaranteeing the adherence to legal and normative regulations of the provision of security and justice.

Issues with systemising the collection and analysis of data were described above. Especially the interview with Douglas Moreno gave insight into the difficulties at the Security Ministry in centralising information. With regard to improved security governance, the PJSC envisaged capacity building and formation of the personnel at the MJSP. It also aimed at increasing accountability of state security organisations. Here, especially the Inspectorate General which represented the internal control institution of the PNC was to be strengthened (Chapter Nine). Furthermore, improved coordination between security organisations was envisaged, especially between the ANSP, PNC, and the Security Ministry.

In practice, the institutional and legal reform processes turned out different from these plans. The contradiction of having to build capacity first before drawing on expertise while at the same time needing expertise immediately to realise the policy could not be addressed. Lacking expertise with regard to the implementation of the security policy was a frequent assertion during interviews.[122] The General Inspectorate started off with much enthusiasm but was soon stopped by political opponents, as will be demonstrated in the following chapter in detail. The Security Cabinet was to become an institution that would facilitate coordination between institutions, even though its creation was not anticipated in the policy. However, following the replacement of Minister

[122] Interview with Benito Lara, 11 February 2013; Oscar Alfredo Pineda and René Abrego Labbé, 15 February 2013; Claudia Umaña Araujo, 20 March 2012; state official R2, 05 March 2012; Notes from Research Diary, 21 February 2012.

Melgar and other key positions in the security sector between November 2011 and January 2012, a significant shift in the Security Cabinet towards the domination of the military could be observed.[123] Besides replacing leaders from security organisations who were affiliated with the FMLN, other leaders close to the FMLN were no longer invited to the Security Cabinet.[124] This made coordination between the security organisations increasingly difficult.

To sum it up, this chapter traced the process of the FMLN developing a security policy based on the vision of a state being responsive to citizen insecurities. It showed that, in theory, the FMLN's policy addressed a broad range of issues linked to violence beyond gang violence, including domestic violence, migratory security, and human trafficking. However, the PJSC did not incorporate a comprehensive strategy to contain gang violence. Chapter Ten deals with this issue in detail and asks whether this marks a limitation in the conceptualisation of the policy or whether the FMLN managed to address gang violence through other policy goals. A look at the concrete efforts of the FMLN to implement its policy and at its development in each of the five key security areas which were identified by the party has shown the shortcomings of the policy. The examination went beyond a simple look at homicide figures and drew a more nuanced picture of the PJSC's (lack of) implementation to demonstrate the gap between the FMLN's ambitious security plans and the precarious security situation by the end of the FMLN's first term as party in government. This gap leads to the question that guides the following two chapters: why was the FMLN government not able to implement its far-reaching and well-designed security plans? The following chapters analyse how the FMLN government 2009-2014 responded to violence in El Salvador with an explicit focus on police and prison reforms.

[123] With General Munguía Payés and General Salinas taking over positions of the Ministry of Security and the PNC, two civilian positions were occupied by members of the armed forces. See Section 5.3.2 for details.
[124] Interview with police official R27, 12 April 2012; interview with Carlos Dada and José Luis Sanz, 19 February 2013.

9. Contested police reforms

9.1 Introduction

This chapter shows that in the field of police reforms the Salvadoran government's security policy (2009-2014) was affected and significantly altered by the interests and power strategies of political, economic, and military elites. The chapter argues that ad hoc decision making (defined as short-term decisions which are insufficiently implemented and easily reversed or replaced by other decisions) is a significant characteristic of policy processes in El Salvador. It continues to argue that the impact of state and non-state elites is illustrated in the ad hoc character of decision-making processes. The study furthermore analyses the effects of the elites contesting the policy process on the institutional development of the police. It demonstrates that an analysis of institutional reforms alone does not suffice for explaining shortcomings of security provision. It needs to be complemented by an analysis of security practices.

Based on Migdal, it was argued that in contested states a power struggle takes place in the form of a battle between the idea of the state and the agenda of other societal (and state) actors about the organisation of society. In Migdal's (2001: 65) words, public policy was defined as the attempt of state leaders to use state institutions to make rules which change the behaviour of the public. Hence, the efforts to professionalise the Salvadoran police described in the first part of this chapter (Section 9.2) were the attempt of the FMLN government to implement a specific idea of the state, in this case of policing. Using the characteristics of ad hoc decision making[125], the second part (9.3) analyses how the US, the private sector, and political elites impacted on security decision making of the government and how the replacement of the Security Minister[126] was linked to pressure from these actors. Central elements of the power

[125] Ad hoc decision making was characterised as follows (see Section 3.3): 1.) It appears where state and non-state actors use their power to impact on and contest decisions of decision-makers in formal offices; involved actors have adverse interests; and resistance against (or attempts to influence) the policy is high. 2.) It means that strategic long-term decisions are either easily replaced or ignored or reversed by short-term decisions. Short-term decisions are often unrelated to any strategy. 3.) Ad hoc-ism has a temporary character (which means decisions are either provisional measures or soon replaced). 4.) It assumes that political awareness of the problem is high, and decisions are made with the intention to solve a problem.

[126] The official title is 'Minister of Justice and Public Security'. For practical reasons, I often use the abbreviation 'Security Minister'.

struggle, the involved actors and their sources of power are explored. In the third part of this chapter (Section 9.4), the analysis explores how policy decisions that were connected to the replacement of the Security Minister affected the professionalisation efforts at the PNC. It reveals that the power struggle between security decision makers and other state and non-state actors undermined the development of security institutions. It is due to these power struggles, the chapter argues, that the state was ultimately not capable of legitimately centralising and controlling violence and thus failed to provide security for the majority of citizens.

9.2 Police reform efforts under the FMLN

This first section explores the efforts aiming at reforming the PNC under the first FMLN government. As mentioned in Chapter Eight, plans for further police reforms were developed independently from the Policy of Justice, Security, and Living Together (PJSC) but basically followed the same normative orientation towards citizen security and were thus consistent with the PJSC. Subcontracted by USAID, Checchi and Company Consulting, together with the PNC leadership, conducted an unprecedentedly comprehensive organisational assessment of the PNC as part of USAID's 'Justice System Improvement Program' 2008-2012 in El Salvador (Checchi and Company Consulting, 2009). The assessment took place from March to May 2009 and analysed the period from 2004 to 2009 by collecting data through surveys, opinion polls, interviews, focus groups, and gathering documents inside and outside the police. The assessment identified severe organisational weaknesses which, according to the final report, seriously limited police efficiency and effectiveness. The most pressing issues were seen in the lack of overall strategic direction, inadequate career structures, the fragmented organisational structure, and little credibility and trust among the population (Checchi and Company Consulting, 2009: 127-133).

The reports' proposals for improvement served as the basis for the so called *Plan Estratégico Institucional* (Strategic Institutional Plan, PEI). The PEI comprised strategies that aimed at remodelling the PNC between 2009 and 2014 towards a more effective and professional security force (Policía Nacional

Civil/ Dirección General, 2010). It set out the overall strategic reorientation of the PNC but also gave detailed account of the activities needed to professionalise the police. The central idea was to revive the policing model that was stipulated in the Peace Accords from 1992, as Julián Belloso, leader of the *Consejo Técnico* (Technical Council) of the PNC, said.[127] According to Julián Belloso, this implied a professional, civil, and democratic force that was willing to serve its citizens.

> The model which is a product of the Peace Accords has important features, perhaps most importantly it is professional, civilian, […], a democratic police, and most importantly the service to the community, serving the community. A police completely separate from the armed forces is born.[128]

The reorientation towards the spirit of the Peace Accords is reflected in the PEI. In addition, the PEI emphasised the importance of the active participation of the citizens as well as that of all members of the PNC in searching solutions for problems of insecurity. Twelve strategic lines of action were identified and similar to the PJSC prevention and control of crime were two key areas as the planned allocation of financial resources shows: 50% of the planned budget was to be spent on prevention, 25% on the control of crime.[129] The central feature of prevention was introducing community policing as the guiding principle for all aspects of policing. A large part of controlling crime was dedicated to the improvement of investigative capacities. Further central lines of action aimed at developing a coherent police career structure, increasing internal accountability by strengthening the General Inspectorate, and reorganising the organisational structure of the PNC by centralising strategic planning and decentralising operative capacities. All strategic lines were

[127] Interview with Rolando Elias Julián Belloso, 14 February 2013. The *Consejo Técnico* consults the General Directorate of the Police in strategic and managerial issues. As head of the *Consejo Técnico*, Julián Belloso was one of the PNC leaders involved in the development of the PEI.
[128] Interview with Rolando Elias Julián Belloso, 14 February 2013.
[129] See Policía Nacional Civil/ Dirección General (2010), Anexo No. 2. There is no evidence how much of the planned budget was actually allocated. The plan envisaged 88% of the budget ($1.8 billion) coming from the Government and 12% from external funds. It is not clear whether this money was in addition to the annual budget for the police or included. The planned general budget for the police between 2010 and 2013 was about $1 billion (Ministerio de Justicia y Seguridad Pública, 2010-2013). Most certainly there were difficulties collecting sufficient funds as the public debate about a possible security tax shows (Section 9.3.2).

specified into ‘operative actions’ which in turn were further itemised in specific activities, indicators to follow up the implementation, responsible units, and a time frame. The time frame was designed to fit the presidential term from 2009 to 2014 but Julián Belloso was well aware that a genuine change of the institution would take much longer and the changes that the PEI envisaged would take a lot more time.

> [T]he plan says 2009 to 2014 but that is a fallacy, that was imposed on me because the truth the plan is written in lines that are for 15, 20 or 30 years.[130]

The PEI was notably more detailed than the PJSC. Whilst it was the principal document outlining police reforms, a number of other documents also deal with specific aspects of the police reform, for example the *Plan Batalla por la Páz* (Plan Battle for Peace), the *Doctrina Institucional sobre Policía Comunitaria* (Institutional Doctrine on Community Policing), and the *Política Institucional de Equidad e Igualdad de Género* (Institutional Policy of Gender Equality and Equity), to mention but a few. The amount of these written documents seemed large and their specific use was not always clarified. However, together with the specification of measures the PEI entailed they proved that the intentions to change the organisation were serious and profound. In the light of the policy cycle, the policy was not only formulated in the sense that options were generated for the police to respond to the problems of violence and crime but a specific course of action was adopted. With regard to the criteria of ad hoc decision making established in the conceptual framework (Section 3.3), decisions to reform the police were not made ad hoc. It followed a rather rational approach. The policy outlined in the PEI and other documents did not have a temporary character, instead it was designed as a multi-year effort and aimed at long term change. Furthermore, decisions to reform the PNC were not made under the impact of actors with adverse interests, but they represented the FMLN’s vision of citizen security provision. At the point of the implementation during the term, this became a problem because the contestation of the policy by other actors (which is examined in the following sections) was not anticipated in the security plans. Hence, it proved very difficult

[130] Interview with Rolando Elias Julián Belloso, 14 February 2013.

for the government to react to these contestations without changing the course of the policy significantly.

Part of the problem is the limited consideration of the political and social context of police reforms in the assessment report and the strategic plan. The assessment report which preceded the PEI focused on managerial problems of the police as an organisation. This was reflected in the language used in the report which derived from the field of corporate management and consultancy. For example, the analysis followed seven 'strategic lines', four of which explicitly related to management issues (process management, human resource management, resource management, quality management). One area was labelled 'strategic direction', a term that is originating in strategic management. The two other areas referred to the focus on 'interest groups' (mainly the citizens) and relations of the PNC with other security institutions (Checchi and Company Consulting, 2009: 18-19). The PEI was less technical in its language and related more to the concrete areas in which professionalisation is sought. Yet, the definition of these areas was based on the analysis provided by Checchi and the PNC leadership. The assessment report and the PEI showed that the police were considered an organisation whose problems can be articulated in managerial terms. In the context of technical assistance, such an approach is comprehensible since consultancy needs to work with quantifiable variables and make suggestions that can be operationalised. However, the way in which problems were described missed the bigger picture in which reforms take place. That is to say, the assessment mentions problems and proposes solutions without addressing the causes of problems. One example is the problem of the politicisation of the organisation which was acknowledged as an obstacle for the development of clear career structures. Yet, the issue was dealt with in just one paragraph and did not explain what politicisation in the context of the PNC meant, how it had emerged and how it could have impacted on the implementation of the reforms (Checchi and Company Consulting, 2009: 79). It may have been beyond the scope of the assessment to elaborate on these issues in detail. However, in the light of this thesis' argument about the importance of security practices, it needs to be clarified whether shortcomings of security reforms derive from ignoring the context in which reforms are to be implemented. The report's suggested solutions for the problem of politicisation

(basically, restructuring police careers and increasing internal accountability) were very important issues in the process of further police professionalisation but the success of reforms did not just depend on the management of the PNC. Looking at the police as an arena of power struggle (instead of a unified state organisation), in which various actors inside and outside the police with diverse and even adverse interests were involved, does consider the political and social context of the reforms. Politicisation, for instance, is then regarded as an element that shapes the power struggle. This line of thinking is further developed in the following sections.

9.3 Ad hoc security decision making: the replacement of the Minister of Justice and Public Security

On 8 November 2011, Manuel Melgar stepped down from his post as Minister of Justice and Public Security. On 22 November President Funes appointed David Munguía Payes (then Minister of Defence) as the new Security Minister.[131] The appointment of Munguía Payes had far-reaching consequences for the trajectory of state security provision between 2009 and 2014 (Section 9.4). The following section analyses the decision-making process related to changes of personnel in key positions of the security sector. This process began with President Funes' decision to replace the Security Minister and continued with decisions to replace leaders of security organisations, including the police. The analysis reveals that the decision making process was of ad hoc nature and as such, marked by short-term decisions which were unrelated to the strategic long-term goals outlined in the previous section. More than this, many decisions were revised soon after they had been made; and personnel changes occurred throughout the term. This ad hoc-ism reflects how various actors put pressure on the government and as such, serves to explore elements and patterns of the power struggle between the involved actors, as well as to determine the sources of power used by these actors. Three aspects stand out in the analysis, namely the pressure exerted on the Salvadoran government by the US, the lack of support from the private sector for state security institutions, and the polarisation between the political Left and Right. Whereas the first two

[131] Research Diary, 06 February 2012.

aspects emphasise the role of economic pressure on the government, the latter sheds light on the role of political power in the decision making process.

9.3.1 Pressure from the United States

During the interview with Manuel Melgar, I asked him what he believed to be the reasons why he had to resign and whether there was any pressure from outside El Salvador.[132] He pointed to the pressure from the public on 'delivering immediate results', that is, to provide the public with dropping homicide numbers.[133] The Funes administration was under pressure from the public right from the beginning of the term, and this only increased during the first two years as the literature showed (Marroquín and Vásquez, 2014, Van der Borgh and Savenije, 2014). Dada and Sanz described the logic of demanding and delivering short term results as a general pattern in the relationship between the public and any security minister, a pattern that Melgar and the long term reform plans did not fit.[134] Following this line of reasoning, Melgar was a pawn to be sacrificed by Funes. However, the demand of the public for evidence that the government was 'doing something about the violence' was fuelled by powerful actors, namely the private sector and the political Right. This will be explored further in the Sections 9.3.2 and 9.3.3 respectively. In addition, what Melgar avoided to mention was specifically in his case the pressure that was exerted from the United States.

Professor of philosophy and ex-FMLN member Ricardo Ribera claimed the reserved position of the US against the FMLN.

> Very clear is that the United States is behind this... the replacement of the people of the *Frente* [FMLN, SHF] in security, remove all of the *Frente*… but also the type of strategy is exactly that of the United States. [...] What strategy does the government of Mauricio Funes have? They are implementing that of the United States. [...] Yes, it will be better… to have a general and not a former guerrilla commander. That is more consistent, right? Because why would you impose the line of the

[132] Melgar left voluntarily but news reported he was asked by Funes to resign. Neither of the two gave a reason for the resignation. See Vaquerano et al. (2011) and Henríquez and Romero (2011).
[133] Interview with Manuel Melgar, 26 March 2012.
[134] Interview with Carlos Dada and José Luis Sanz, 19 February 2013.

> state department, of the DEA and the CIA on Manuel Melgar or on Eduardo Linares, all these... Well, yeah, better put the military to follow it because, really, that is more coherent.[135]

There is some evidence that this view was not just the subjective opinion of a former guerrillero. While Mauricio Funes as an outsider to the FMLN was regarded as a moderate and pragmatic politician and thus was an acceptable candidate from the US perspective, Manuel Melgar as ex-guerillero was not tolerated as member of the Funes cabinet. This was made evident by leaked cables from the US Embassy in San Salvador (Blau, 2009c, Blau, 2009b). According to the cables and to news reports, being one of the former leaders of the guerrilla organisation PRTC, Melgar was allegedly involved in the murder of four US marines and eight civilians in the Zona Rosa area in San Salvador in 1985. This made him an 'anti-American element' (Blau, 2009c).

In terms of Salvadoran public security, the US had built trusted relationships with the Salvadoran armed forces and their political allies in the ARENA party.[136] This was not surprising, given the USA's long term military and financial support during the civil war (Chapter Five). Therefore US diplomats hesitated to engage with ex-guerilleros. A US-American employee of the US Embassy in San Salvador described the security policy of the Funes administration as too 'left', 'soft hand' and 'incompatible with reality'.[137]

Salvadoran newspapers linked Melgar's removal to the signing of the Partnership for Growth between the US and El Salvador (Calderón, 2011, Vaquerano et al., 2011). This agreement was made to counter the consequences of the financial and economic crisis of 2008/2009. Due to El Salvador's economic dependency on the US, trade and the flow of remittances decreased dramatically in 2008 and 2009 (Garrett, 2010) (Section 9.3.). The Partnership for Growth comprised several measures of US support for the Salvadoran government in fostering rapid economic growth in El Salvador (2011b). The moment of its signing in November 2011 correlated with Melgar's

[135] Interview with Ricardo Ribera, 09 March 2012. Ribera refers to the changes of staff that followed the replacement of the minister. Eduardo Linares as head of the OIE was among the staff that had to leave, too (Section 9.4).
[136] Interview with police official R30, 02 March 2012.
[137] Interview with employee of the US Embassy, 28 March 2012.

resignation. A Salvadoran government official confirmed the removal of Melgar was made a condition for the validation of the Partnership for Growth.

> Externally we had the pressure of implementing the Partnership for Growth in which… this is unofficial, but say there are many versions that say that in exchange for the implementation of the strategy of the Partnership for Growth, in exchange the Salvadoran Government had to make certain concessions by way of unwanted officials say protected by the government. So this is perhaps, without being an official fact, the dominant explanation for the departure of Manuel Melgar from the Government.[138]

This condition was never mentioned officially because it represented a strong interference in Salvadoran domestic affairs. However, due to El Salvador's heavy economic dependence on the US, the US was able to use its economic power and interfere in domestic security issues. The designation of Melgar as Security Minister had been a concession of Funes towards the wish of the orthodox wing of the FMLN to participate in the government. This decision was contested by the US due to their adverse ideological interests. It showed that the power struggle impacting on security decision making is not limited to pressure from national actors but involved the international arena, in this particular case the interests of the US.

9.3.2 The private sector and state security provision

As shown in Chapter Seven, Salvadoran business elites have enormous economic power and freedom that they were able to maintain after the civil war due to economic liberalisation processes in the 1990s. Before 2009 the close ties between ARENA and the business elites guaranteed the government's loyalty towards the business sector and less interference from the state. For many business elites this model of power sharing was at risk with the FMLN winning the Presidential elections, and the private sector developed different strategies in dealing with this change. These strategies impacted on the security

[138] Interview with government official R2, 05 March 2012.

policy. The following four aspects demonstrate that the private sector undermined efforts to strengthen state security provision.

First, the global financial crisis hit El Salvador especially hard because of the introduction of the US Dollar as national currency in 2001 which was part of the policy of economic liberalisation, as well as the sale of all major Salvadoran banks to multinational companies by 2007. The sale of the banks, previously privatised under President Cristiani's neoliberal reforms, benefitted the handful of business groups that had owned them. But on the grand scale it made the country more vulnerable to the global financial market (Bull, 2013). In addition, many business elites resisted local and national investment and evaded tax payments. El Salvador had one of the lowest local investment rates in Latin America (Garrett, 2010: 7). Alfredo Cristiani, who is not just ARENA's ex-President but one of the country's wealthiest businessmen, publicly admitted he would never invest inside the country (La Prensa Gráfica, 2010a). In addition, there was a huge fiscal deficit with tax revenues amounting to just 13% of GDP which represented one of the lowest rates in Latin America (Garrett, 2010: 7). At the same time, GDP growth was negative in 2009 and very modest in the years thereafter (Ribando Seelke, 2013: 39, Bull et al., 2015: 39). Funes' economic policy aimed at tackling problems of growth, investment, and the fiscal deficit by various measures such as a tax reform package and an anti-crisis-plan which included an increase in social spending but also austerity measures (Bull et al., 2015). However, as described above, for the Salvadoran economy to recover and stimulate growth, international loans and development aid were vital. These were provided not only by institutions like the IMF but through bilateral aid that came first and foremost from the US, for example through the Partnership for Growth (Ribando Seelke, 2013). Through this bilateral aid the asymmetry of the relationship between El Salvador and the United States was extended even further after the US recession and the financial crisis. Hence, Salvadoran economic elites not only benefitted from neoliberal reforms, they contributed to the economic dependency on the US through tax evasion and low local investment. It was this dependency which lowered Funes' room for manoeuvre in the case of Melgar's replacement.

Funes' relationship with the economic elites was close with some groups but distanced with others. As described in Section 6.3, Funes did not belong to

either the orthodox or moderate faction of the FMLN. During his presidential campaign he placed emphasis on winning the financial support of important interest groups. Funes knew he needed support from the business sector not only during the campaign but during his entire presidency for the country to recover from the economic and financial crisis. Especially traditional business elites around Cristiani, the National Association of Private Enterprise ANEP, and the Chamber of Commerce showed a sceptical and even hostile attitude against the government, when the FMLN took office (Freedman, 2010).[139] However, a few elements in the private sector grew alienated from ARENA and ANEP over the years, some of which formed the movement '*Amigos de Mauricio'* ('Friends of Mauricio') and became Funes' supporters. Therein, they helped him establish and maintain contact with private enterprise.[140] This network was vital for the government to create an investment-friendly climate that would stimulate economic growth and employment (Bull et al., 2015). The network was also important to generally increase Funes' space for policy manoeuvre (Hume, 2014: 395). In addition, Funes linked up with a third group of private entrepreneurs around Antonio and Herbert Saca. Antonio Saca, ex-ARENA president, separated from ARENA and, together with his cousin Herbert Saca, is said to be the driving force behind the newly created Grand Alliance for National Unity (GANA) party. He stands for 'the new capital' of the financial and service sector.[141] Funes' alliance with the Sacas and GANA provided him with yet another option for accessing the private sector and in addition provided the FMLN with political support in the Legislative Assembly. In Garrett's (2010: 34) report about the performance of the Funes administration during its first year in office, a fourth group of entrepreneurs is mentioned who evolved around the FMLN and ALBA petroleum. Funes' relationship with this group was ambivalent since it was linked with his party but Funes grew alienated from the FMLN during the course of the term. The resignation of Melgar and the subsequent replacement of other FMLN affiliated leaders of security organisations marked the beginning of an increasingly tense relationship between Funes and the

[139] For the role of ANEP in gathering the Salvadoran economic elite see Section 5.3. With 'traditional economic elites' I refer to those groups of the business sector whose families and businesses represented the Salvadoran economic elite for several generations (Chapter Five). This comprises of the conservative as well as the moderate factions depicted in the historical chapter. The term 'traditional' is used to distinguish these elites from new economic elites including from the Left as they are portrayed in the following paragraphs.

[140] Interview with anonymous informant R25, 14 March 2012 and Burridge (n.d.).

[141] Interview with anonymous informant R25, 14 March 2012, Garrett (2010), and Arauz (2011).

party, especially the orthodox wing who had suggested Melgar as Minister. The new Minister Munguía Payés was a military officer and, as such, less trusted by the orthodox faction of the FMLN. The following sections show how these economic and political alliances and gaps impacted on security policy making.

The second and third aspect which demonstrated the impact of business elites on state security provision concerned their role in public media. Traditional economic elites around Cristiani, ANEP and the Chamber of Commerce repeatedly questioned the FMLN government for its lack of a security strategy and thus contributed to the pressure on the Funes administration to adhere to ad hoc decision making. The Funes administration's refusal to publicly announce the PJSC (Chapter Eight) – probably in fear of harsh criticism – did not prevent such criticism. Instead, it was easy for the private sector and ARENA to criticise the government precisely for its apparent lack of a policy. The private sector's reluctance to contribute to functioning state services by paying more taxes was addressed during an interview with ANEP director Arnoldo Jiménez. Being asked about potential collaboration between the private sector and the government in the subject of security, Jiménez said:

> There are so many forms of collaboration that do not exist because there is no trust. There is no trust. You do not want to share. There is a... The police think that their plans must be top secret. We have approached them to ask: 'What is the security plan?' And they have taken out a few [pages] and say: 'Here is the security plan, look! But I cannot give you details. I cannot give you details because it is confidential.' So it's very difficult. I can understand that the operation that will take place tomorrow morning is confidential because if not, if it gets out, it does not succeed anymore. But a plan that is based on an assessment and has specific strategies![142]

Criticism was expressed publicly on various occasions (Martínez, 2010a, La Prensa Gráfica, 2010b). The Chamber of Commerce even came up with its own security proposal which represented more of a provocation to the Funes

[142] Interview with Arnoldo Jiménez, 12 September 2011.

administration rather than a serious contribution in the search for solutions of the problems of insecurity (Cámara de Comercio e Industria de El Salvador, 2010).

This duplicity becomes clear with the third point demonstrating the impact of business elites on state security provision. To acquire sufficient funds to invest in state security provision, the government suggested introducing a security tax. The proposal comprised the idea that personal and legal entities with assets over $500,000 should pay an extra tax of 1.5% (Belloso, 2011). This plan was strongly opposed by the private sector, as Benito Lara maintained when he was asked about resistance against the FMLN security plans.

> BL: [N]obody wants to contribute to security. So, for example, there was a government proposal for a small security tax. […] And they did not want to accept the proposal of a tax, a tax which surely was tiny, it was not for everyone, but only a tax for all legal persons that practically had a very high income, [...] but they resisted, right? So, there is this kind of resistance.[143]

ANEP director Arnoldo Jiménez justified the opposition of the private sector by arguing it was the state's responsibility to provide security, an argument which demonstrated how easily representatives of the private sector withdrew from a security policy that was not in their interest.[144] Ultimately, the government's proposal was absorbed by the debate about a larger tax reform and, in the end, it was not implemented.

Thus, on one side, the private sector criticised the government's inactivity and pressured the government with its own 'proposal' of a security policy. On the other side, the private sector refused to take on its responsibility to financially contribute to a functioning state, or, to be more precise, to a functioning state security provision.

As the fourth and final point, efforts to strengthen state security provision were undermined by the expansion of private security enterprises. As mentioned above, *Amigos de Mauricio* (Friends of Mauricio) was a group of businessmen, military officials and advocates who were willing to support Funes' candidacy

[143] Interview with Benito Lara, 11 February 2013.
[144] Interview with Arnoldo Jiménez, 12 September 2011.

with their money, networks, and public relations. Some of these 'friends' were Funes' closest consultants and allies, for instance Gerardo Cáceres, his chief fundraiser; the economist Alex Segovia; Nicolás Salume, owner of large business corporations; Luis Lagos, a former politician from the right-wing PCN; and General David Munguía Payés.[145] Funes' friend and businessman Miguel Menéndez was also part of this network. Menéndez' fortune was built on coffee but he also owned the so called Salvadoran Company for Security (COSASE), a private security company. While he previously supported ARENA, he became a sponsor of Funes' presidential campaign. Once Funes held the office, COSASE gained contracts worth $2.5 million for protecting state agencies, compared to $2.8 million gained between 2005 and 2008 (Valencia Carravantes, 2010). In 2013, *El Faro* reported that COSASE, now by far the largest security company, had secured contracts over $14.6 million for protecting state agencies (Lemus, 2013). Apart from the allegation of influence peddling, as suggested by newspaper reports in *La Prensa Gráfica* (Ávalos, 2015) and *El Faro* (Arauz, 2011), the ascent of COSASE has general consequences for state security provision, as the following discussion highlights.

As outlined above, the privatisation of the public infrastructure and public services is a heritage of the ARENA government's neoliberal policy. Since ARENA leaders are also business entrepreneurs, they directly benefitted from this trend. The privatisation of security was no exception. One of the former ARENA leaders, Adolfo Tórrez, owned the private security company Serconse that benefitted from the protection of state agencies with $38 million during Antonio Saca's presidency (2004-2009) (Ávalos, 2015). Part of the Funes administration aimed at reversing this trend and establishing mechanisms that would improve public service, as the head of the Department of Governance and State Modernisation stated.[146] However, with Menéndez' influence on Funes the trend towards privatisation of security provision continued. Hume (2014: 393) argued private security firms reduce the autonomy and legitimacy of

[145] The relationship between Funes and Munguía Payés was a pragmatic one: Disagreements between ARENA and Munguía had previously prevented Munguía from ascension within the military (interview with Guidos Véjar, 23 March 2012). His approximation to Funes provided him with the top position as defence minister. For Funes, Munguía was a way to gain support from the military.
[146] Interview with Antonio Morales, 28 February 2013.

public security organisations, given the huge number of private agents.[147] But as the case of COSASE showed, the impact of private security companies on public security organisations went far beyond these aspects. COSASE imported weapons and produced munition, while also aiming at gaining contracts to provide the PNC with munition (Blau, 2009a). This implied a proximity between COSASE and the PNC which could have impacted on the legally stipulated responsibility of the police to oversee private security firms. While the line between private and public security provision was already blurred under ARENA governments (for example by police officers working as private guards off-duty, Section 7.3), the FMLN did little to strengthen public security by separating the two spheres. In fact, the FMLN created a new security company called Alprodesa which is linked to ALBA petroleum, a regional oil consortium promoted by former Venezuelan President Hugo Chávez (Ávalos, 2015). As argued in Chapter Seven, the lack of regulation helped the private security sector to expand. Today, private guards are not just omnipresent, poorly paid men taking care of the grocery shops. Private security provision became a profitable industry and the commodification of security which had started under ARENA (Montoya, 2013) has further expanded under the FMLN. At the time of the interview, Rodrigo Ávila, ARENA's former presidential candidate and ex-PNC director, worked as security consultant and knew the private security business well. He pointed to the technological upgrading of private security services.

> RA: [There are] many companies and they don't have physical armed security, what they have are a lot of cameras, [...] alarm sensors, gate locks, and biometrics, they have... I don't know, a lot of technology. But yes, that's an interesting topic. And here in El Salvador companies have proliferated, but now as the private security companies stagnated… Between 1995 and 2010, sorry 1995 until 2002 they grew […].
>
> SHF: They don't grow anymore.

[147] Accurate figures about private security guards were difficult to obtain. According to Hume (2014), 90,000 private agents outnumbered 19,000 police officers in 2010.

> RA: No. No, I mean there are many but the boom of security companies was between 1995 and 2001, 2002.
>
> SHF: Why? Because the market is saturated?
>
> RA: The market is somewhat saturated. [...] What many companies do... what they have is electronic security. And if previously they had three guards, they no longer have three but one, the one at the door, and the rest is electronic security.[148]

While the private security market did not grow exponentially in numbers anymore, companies invested more in better technology. There was a tendency towards the professionalisation of security services which means the market was increasingly dominated by large companies with sufficient financial resources to invest in professionalisation. *La Prensa Gráfica* (Ávalos, 2015) and *El Faro* (Lemus, 2013) both reported that COSASE became the leading company under President Funes and that there was a trend towards monopolisation of the market, a trend which was confirmed by Douglas Moreno, Vice Minister of Public Security at the time of the interview.[149]

In sum, the question arises how these roles and strategies of business groups link to Funes' decision to replace Minister Melgar. The United States was able to exert significant pressure on the government due to the precarious economic situation in El Salvador to which economic elites had contributed. It was shown that the US had reservations against sections of the FMLN which they considered as hardliners and in which they counted Melgar.[150] They were pleased with the replacement of Melgar by Munguía Payés who was not just a member of the military but also a member of *Amigos de Mauricio*. For their part, the FMLN was less pleased with the removal of Melgar since it lowered their room for manoeuvre in security decision making as Section 9.4 will show. The decision marked the beginning of estrangement between Funes and his party that turned into a serious gap over the course of further security political decisions. The US and Funes' friends had more impact than the FMLN in this

[148] Interview with Rodrigo Ávila, 25 February 2013.
[149] Interview with Douglas Moreno, 11 April 2012.
[150] The US perception of FMLN 'hardliners' and 'moderates' does not necessarily correspond with the orthodox and reformist wings of the FMLN.

decision due to their economic power. This shifting power balance turned into a disadvantage for the FMLN's security reform plans, as the effects of the power struggle will reveal.

9.3.3 The polarisation between the political Left and Right

Another striking element which shaped the power struggle in El Salvador is the polarisation between political forces from the Left and the Right. Based on Migdal, this thesis argues that power struggles do not only occur between the state and social forces, they can also be observed among different state actors, in this case between the government and the opposition (in fact, between any government and any opposition). It is argued that deep political polarisation is a source of political power and is thus nurtured by political elites. If interests of the opposition and the government are at odds, the opposition will use its leverage to influence government decisions. Such a struggle among political elites reduces overall state power, as this part of the analysis demonstrates. More specifically, polarisation diminishes police professionalism and limits the chances to monopolise violence since polarised contexts are conducive for ad hoc decision making. Ad hoc-ism, as was argued above, illustrates that contestation – in this case in the form of polarisation – is counter-effective for the implementation of long-term strategic decisions and undermines the development of democratic security institutions.

9.3.3.1 1992-2009: The roots of polarisation at the PNC

The political polarisation in El Salvador is rooted in the emergence of the FMLN and ARENA as opposing parties during the civil war and the persistence of their opposition after the war. Although El Salvador has a multiparty system with currently eight parties represented in the Legislative Assembly, FMLN and ARENA gained 76% of the votes in the legislative period of 2015-2018, with similar results during the last four legislative elections (Tribunal Supremo de Elecciones, 2015, Base de Datos Políticos de las Américas, 1999b). This distribution of votes alone does not account for the polarisation, but figures about the self-positioning of FMLN and ARENA parliamentarians showed that the politicians placed themselves at the extreme left or right. In a survey from 2013, on a scale from one to ten (1= extreme left, 10= extreme right) FMLN parliamentarians positioned themselves at 2.0, and ARENA parliamentarians at 8.1 (PELA/ Fusades, 2013: 89). Ten years before, in 2003, self-positioning was

even more extreme with 1.22 (FMLN) and 9.31 (ARENA) (Artiga González, 2007: 7). Surprisingly, voters' ideological self-positioning is much more dispersed with peaks at the left, the right, and the centre, as Artiga González (2007: 8) pointed out. This brings into question how this difference can be explained. Carlos Dada (2007), co-founder of the online newspaper *El Faro*, showed that the Salvadoran society was not as polarised per se. Instead, the polarisation was driven by a confronting discourse initiated by the political parties, in particular by the FMLN and ARENA. While some communication and collaboration between the two parties took place during the first two ARENA administrations, it was under President Flores (1999-2004) that the polarisation was provoked by ARENA (Dada, 2007: 26-27). The FMLN responded with further radicalisation towards the left which implied a strengthening of the FMLN's orthodox wing. According to Dada, the confrontational attitudes hardened over the years until the struggle between the two parties became an end in itself. Dada's article implicitly entails the accusation that in the Salvadoran political system it had become more important to secure the power base against the political opponent instead of using the mandate for responsible leadership, or in other words, for leadership representing the interests of the majority of society. While this accusation is not unique to the Salvadoran situation, the degree of polarisation, in Dada's (2007: 31) view, is perceived as so intense that it seriously destabilised and paralysed state institutions. If his claim is valid, we can draw the conclusion that the power struggle between the political forces of the Left and the Right impacted on the implementation of police reforms. Interview responses for this research point to the same direction.

During an interview with Carlos Dada and his colleague José Luis Sanz, Sanz confirmed the same development of polarisation. Between 1999 and 2009, the ideological polarisation was more and more deliberately used to gain votes and secure power. As a result of this process, policies became increasingly opportunistic.

> Say that polarisation has changed its roots. After the war there was a polarisation that probably had very strong ideological roots or roots in political activism. The FMLN was always more ideological than ARENA but [...] ARENA

> is also very ideological [...]. The FMLN from the [Peace] Agreements onwards and especially from 1999 onwards deeply de-ideologised but the game of political electoral polarisation is maintained. In that sense the difference is becoming less due to ideas and more due to pushing for power. That continues to condition the design ... the implementation of policies and the pursuit and achievement of strategic agreements and political agreements. In addition, the debate to reach those agreements is increasingly poor and more cyclical.[151]

César Reyes Deming, ARENA Parliamentarian and former colonel at the armed forces, accused the FMLN of opposing any security plan ARENA was initiating at the Legislative Assembly during this period.

> Laws were created by the Legislative Assembly to try to combat crime; there were those [...] policies to combat crime: the *mano dura*, the *súper mano dura*, the *mano amiga*, the *mano extendida*... a lot of themes and names. [...] Being in the opposition the FMLN maintained a policy of permanent 'no' which means it never agreed to support anything, any public security policy for ARENA, not one.[152]

While it is possible that the FMLN opposed ARENA's *mano dura* plans because it disagreed with the idea of authoritarian security (Chapter Eight), this opposition was interpreted by ARENA as categorical rejection of the plans because the plans were authored by the political opponent. Zaira Navas, Inspector General of the PNC 2009-2011, shared this view of polarised policy making although from the reverse side, criticising ARENA to use the issue of insecurity to gain votes in the presidential elections of 2003.

> So this issue of security has been handled too ideologically. It is important that you are also aware that the ideology is so [strong] that the 2003 elections, in which won [...] President Flores, were won precisely with the *Plan*

[151] Interview with Carlos Dada and José Luis Sanz, 19 February 2013.
[152] Interview with César Reyes Deming, 21 February 2013.

> *Mano Dura* and the security issue. Then they go on to say: 'We will implement force, we will strengthen the police, we will ...' and this is how they win the elections. […] So they use the security issue ideologically, […].[153]

This allegation that ARENA instrumentalised insecurity to win the elections was also expressed by analysts of the *mano dura* approach (Aguilar, 2004, Wolf, 2008, Cruz, 2011) (Section 7.3). The question arises as to whether the impact of political polarisation on security policy making also affected the police. The quote from the interview cited above continues as follows:

> So they use the security issue ideologically, and that already stops one as an official because any initiative or any positive thing you can do in terms of security, your counterpart is saying, 'I hope it will not work for them because if it works for them, it affects me as a political party or [it affects] my ideology.' So… there is no vision for the country and for the state, that's it.[154]

In the interviewee's experience, the political polarisation was indeed paralysing the work at the police. Likewise, ARENA Parliamentarian Reyes Deming accused the FMLN of politicising the police.

> And the FMLN always, always has kept its ideological hands on the National Civilian Police, always. I mean there is an ideological policy of the FMLN which is present at the National Civilian Police.[155]

All interviewees related the polarisation and politicisation of the police to the quota which originally constituted the newly founded PNC: FMLN combatants and former members of the *Policía Nacional* (PN) were to be incorporated into the PNC, making up 20% each. The additional 60% of police members should be newly recruited and trained civilians (Section 7.2). Elsewhere, I argued that the idea behind this calculus was to include both conflict parties in the police to equal parts, and thus overcome hostility by stimulating cooperation and perhaps

[153] Interview with Zaira Navas, 21 March 2012.
[154] Interview with Zaira Navas, 21 March 2012.
[155] Interview with César Reyes Deming, 21 February 2013.

even reconciliation (Flämig, 2012). The post-war security gap (Section 7.4) seemed to require the inclusion of the more experienced PN members, and for the FMLN, the inclusion of their members into the state security sector represented an important achievement of the Peace Agreement. At the same time, the quota was introduced to allow the PNC to strengthen its civilian and democratic impetus by constituting the majority of personnel with new recruits. The actual composition of the new police of 20% officers from the PN, 20% percent former FMLN combatants and 60% civilians was difficult to verify. The insertion of ex-combatants was initially only envisaged for the transition period until late 1994. After that time, only civilians were accepted for training and formation at the ANSP (National Academy for Public Security) (Costa, 1998: 196). During most of the transition period, neither ONUSAL nor the ANSP had access to membership lists of the conflict parties, and both the FMLN and the ARENA government declared former combatants as civilians, trying to increase their share of power at the PNC (Costa, 1998: 202-203). Costa (pp. 204-208) described how the government under President Cristiani repeatedly tried to insert military officers into the PNC, bypassing the ANSP's process of scrutinising all police personnel. This strategy culminated with the transfer of two complete units of the old *Policía Nacional* to the PNC. Likewise, there is evidence that the FMLN tried to insert their people as civilians.

> I am of the second class, before me there was just one class. [...] I went with really no vision of... with my colleagues, yes, I saw that they got into it but with a strong tendency to either one side or the other. And there were many more people left-leaning, and anyone would have to admit that. For example, I had 80 colleagues, perhaps 20 could have entered for the direct quota but the remaining 60 were supporters of the *Frente*, this cannot be denied. And many of my colleagues, before entering the police, were prepared at the National University by people from the *Frente*.[156]

An FMLN security expert stated:

[156] Interview with police official R55, 07 March 2013.

> And then, the other 60% were civilians. What we did was to prompt the recruitment of 60% of civilians and put as many as we could to the police. The case of [Person X], [Person X] was not from the quota.[157]

This interviewee claimed that there was a difference between the two parties since the government aimed to maintain the military's influence at the upper levels.

> Those quotas were people coming from the armed forces, people coming from the *Frente*, coming from the civil war. Unfortunately the police came into being when we had right-wing governments in the country [...]. Obviously they distrusted people coming from left. So the leaders who started to command the National Civilian Police are the officers coming from the army. They brought a vision completely different from a serving police or a police close to the population. They came from a doctrine of repression, and this was being implemented because they [were] the leaders we had here at the police. So all generations grew under this concept, even though it was a new police, it was a police that was led ... that was coming from ancient structures. So [...] people were already educated with a repressive touch and all of us who were here learned to work from a repressive point of view, not from a preventive point of view [...]. Those who started to direct the police from the beginning were people who brought along repressive structures, they did not change the police. The police was transformed again into a civil body but with a more or less repressive doctrine.[158]

Call (2003: 838-839) shared this view, in so far that he found that leadership positions were in their majority held by military officers. He concluded that despite the military occupying many top commands of the PNC the quota was

[157] Interview with FMLN security expert R58, 14 March 2013.
[158] Interview with police official R55, 07 March 2013.

more helpful in preventing rather than creating partisanship. Yet, the interview response above emphasised the difficulties arising from the fact that ex-combatants were included in the PNC. The interviewee argued that the police retained a repressive character due to the military background of its leadership; and new generations of police officers were incorporated into the repressive work.[159] Costa (1998: 211-212) maintained that due to the military claiming the strategic leadership at the PNC, not only the FMLN but also civilian personnel were marginalised. He concluded that the designation of top PNC positions was mainly based on political considerations.

If these statements apply and the government managed to place military officers at the top levels of the PNC, it poses the question of how this was achieved. The Peace Agreement stated that the government's share of police members should be derived from the *Policía Nacional* alone. However, the PN was under the command of the armed forces, and all superior positions were led by military officers (Costa, 1998: 27). In addition, the transfer of military officers to the PNC was managed by a strategic move by President Cristiani. In 1994 he signed a decree which changed the status of 25 army officers to reservists and thus allowed them to stay at the PNC.[160] According to Silva's recently published work about corruption at the PNC, it was one *tanda* (cohort) of 25 militaries which was taking over top positions at the PNC and kept them for over 20 years (Silva Ávalos, 2014: 6-7).[161] As discussed in Section 5.3, it was usually one military *tanda* who ruled the country between 1948 and 1984. Since the *tanda* system created a high degree of cohesion among the officers who belong to one *tanda,* this strong network allowed them to keep their leadership positions over a long period of time. If Silva was correct about an entire military *tanda* entering the police and occupying key positions, this did at least partially explain why even after 20 years, a significant part of the PNC leadership were still those army officers which had entered the PNC in 1994. Being asked about whether younger and professionally trained officers would slowly replace the 'old' leadership, this police official maintained:

[159] Ibid.
[160] Hence, in interviews, in the public debate, and in the literature it was and is commonplace to speak of 'the military' when relating to the Government's quota at the PNC. This use of language serves as an example which demonstrates the military influence on the PNC. See Cristiani and Corado Figueroa (1994).
[161] For the names of the officers see Footnote Six in Silva Ávalos (2014).

> No. Because they won't allow you. [...] You have heard of the military *tandona* [large cohort, SHF] during war time which were militaries that moved up to the field of military leadership and that lasted longer than other leadership positions and that maintained their power and therefore they called them the *tandona*. So now we're having a similar *tandona* at the police, and for a longer time because everyone who entered as deputy commissioners are now commissioners and do not want to leave the police.[162]

The police official confirmed that the *tanda* system of the military was applied to the police. For consecutive ARENA governments, it was easy to maintain links to the military officers at the PNC and thus keep exerting influence on the course of the police. Below we will see that Cristiani's decree was not the only case of militaries taking over positions at the PNC which according to the Peace Agreement ought to be held by civilians. We will see that most militaries even persisted during the change of government and the successive police reforms.

The close links between ARENA and the military, especially between the party and those officers at the PNC with military background are important for understanding the power struggle which shaped the development of the police.

9.3.3.2 2009-2014: Polarisation versus police professionalism

The following paragraphs demonstrate that the political polarisation which became manifest at the PNC after the war continued under FMLN rule. The resignation of the Inspector General is used as an example for showing how police professionalisation efforts were influenced by political power struggles.

When the FMLN came to power, it did not hesitate to replace key positions with officers who were either ex-guerilleros or associated with the FMLN's social base.

> R57: [W]hen the *Frente* wins the elections in 2009 and it takes over the police leadership [...], some had been in key positions but it was not the same as performing in the field

[162] Interview with police official R57, 13 March 2013. For the role of the military *tandona* see Section 5.3.

> of strategic management of the institution [...]. So it was obvious to me that they used (and keep using) ideological bias rather than measuring the professional skills of those of us who are already there. So they extended the gap of the quotas even more. […]
>
> SHF: That was the mistake?
>
> R57: That is the mistake and it keeps being the mistake […] to the extent that they name Mr Ascencio […] as director of the police even though others were more capable. […] Mr Ascencio's advisers still belonged to the quota of the *Frente*; they fought in the war in the different sections of the *Frente*. For example, some names ... I'll keep them to myself but a colleague who belonged to the PRTC, a colleague who belonged to the National Resistance, like this... And several militaries were not allowed or not involved in the leadership structure. On the contrary, they started vicious disciplinary processes about the militaries being part of criminal structures and of drug trafficking without investigation or intelligence work which would verify that these people truly belong to such structures.[163]

As Director of the police, Funes named Carlos Ascencio, who was associated with the FMLN (La Página, 2009). Opinions about Ascencio's leadership qualities varied in so far as not all officers were as sceptical as the interviewee cited above. However, importantly the cited police officer was part of the FMLN quota and held a leadership position at the PNC, yet he accused the FMLN of replacing personnel disregarding their suitability. In his experience professional policing was hampered by the FMLN's confronting attitude. For the FMLN government under Mauricio Funes it appeared necessary to replace top command positions at the PNC with their trusted people in order to implement the reforms envisaged in the PEI. This implied the same politicised decision making that ARENA used to adhere to. It was contradictory aiming to overcome

[163] Interview with police official R57, 13 March 2013.

obstacles of professionalism such as the politicisation of the PNC by the very same means. On the other hand, as argued previously, the FMLN did have a serious interest in improving citizen security and in professionalising the police. To that end, for some posts within the police and the broader security sector a number of experts were recruited who had studied in detail and criticised the security sector for a long time. For instance, Jaime Martínez Ventura became director of the ANSP; Luisa Arévalo became head of the study section at the ANSP; and Edgardo Amaya was designated security adviser at the MJSP. All three of them had worked at FESPAD in previous years and had published critical reports about the security and justice system.[164] Zaira Navas, the designated Inspector General, was a human rights lawyer with long-standing professional experience at the PDDH and other human rights organisations. While there may be a difference between noticing the shortcomings of the sector from an external perspective and being confronted by the practical challenges to overcome these shortcomings, these and other experts had serious ambitions in advancing security provision. As is shown below, ARENA reacted to their designation by strongly opposing the marginalisation of police officers with proximity to ARENA. It accused the FMLN of politicised motives, disregarding their own contribution to a politicised police.

The case of the prosecution of the police officers with military background mentioned in the citation above clearly demonstrated that the political polarisation continued to affect the police under the Funes administration. According to the PEI, as part of the effort to increase internal accountability at the PNC the position of the Inspector General (IG) ought to be strengthened. The IG started work in 1994 as the PNC's direct oversight body (Section 7.4.1). The assessment report concluded that accountability via the IG and other disciplinary mechanisms was working to a certain degree but that some sections of the PNC evaded control (Checchi and Company Consulting, 2009: 94). As noted in Section 7.4.1, other analysts, including Arévalo (2004), were even more critical of the IG's role. A WOLA report from 2009 pointed to the major problem of oversight, stating that the PNC continued to be one of the state agencies most frequently denounced for human rights violations (Beltrán, 2009: 21). Yet,

[164] FESPAD is a national NGO focussing on legal advocacy. For relevant publications before 2009 see, for instance, Martínez Ventura (2003), Amaya(2006), Arévalo (2004).

the bulk of IG-initiated investigations comprised minor infractions, paying little attention to human rights violations (Section 7.4.1). Another concern the report stated with regard to the IG was the focus of investigations on lower ranks (Beltrán, 2009: 21). The PEI envisaged structural and managerial changes as well as a resource upgrade to improve on the IG's performance. However, the IG's activities gained significant momentum when Zaira Navas became Inspector General in 2009. She placed emphasis on those precise failures of previous years. By opening investigations against high ranking officers she did not fear to touch on cases of human rights violations, corruption, and the involvement of officers in criminal networks. Thus, she created considerable turmoil.

The amount of opened cases, the type of investigations (disciplinary or criminal), and the responsible investigative body (IG, disciplinary unit at the PNC, or State Attorney's Office) are difficult to reconstruct since not all investigations were made public and proceedings were opened, dismissed, and re-opened due to the strong resistance some of these cases had caused. The most prominent case was that of Ricardo Menesses, ex-director of the PNC (2003-2005) and one of the 25 military officers transferred into the PNC by Cristiani's decree.[165] On 20 July 2009, the IG opened investigations for alleged links between Menesses and José Natividad Luna Pereira ('Chepe Luna') (La Prensa Gráfica, 2009b). At the time of Menesses serving as police director, Chepe Luna was one of the most wanted Salvadoran human and drug traffickers. Yet, he managed to escape detention four times. On 20 September 2009 investigations were also opened for Menesses' ties with Carlos Alberto Rivas Barahona ('Chino tres colas'), one of the leaders of the *Barrio 18* gang (ibid.). In November and December 2009, the newspapers *La Prensa Gráfica* (2009a) and *El Faro* (Valencia and Arauz, 2009) named other high ranking police officers under investigation, all of them belonging to the *tanda* of the 25 militaries.[166] According to the article in *El Faro*, the IG had initiated investigations against 14 high rank officers (commissioners and deputy commissioners) between June and October 2009 and had planned on more investigations.

[165] Menesses did not take over a leadership position at the PNC immediately; he graduated from the ANSP and rose through the ranks of the PNC (Silva Ávalos, 2014: 6).
[166] Among them Pedro González and Douglas Omar García Funes (both ex deputy directors of the PNC), and Commissioner Godofredo Miranda.

As early as in September 2009, a group of Parliamentarians under the direction of Coronel René Deming (ARENA), Ernesto Angulo (ARENA), and Coronel José Antonio Armendáriz (PCN) formed a commission to investigate the 'possible abuse of the Inspectorate General of the PNC against members of that institution' (Asamblea Legislativa, 2011). All three leading parliamentarians were members of the armed forces and/or members of ARENA or the right-wing PCN. No FMLN member was among the Commission which raised doubts about the impartiality of the Commission. The Commission accused the IG of biased investigations. Angulo stated:

> I was the president of the commission. Colonel Armendáriz of the PCN was the secretary, and we met with each and every one of the people who were being investigated, with their lawyers, and we had concluded that there was a political bias against a certain field of the police, which was the armed forces, the ones coming from the armed forces.[167]
>
> SHF: But what had happened? Why did the commission exist?
>
> EA: Because of what I say. We started to receive complaints from people who were being investigated, and they told us: "Look, there is no reason to investigate me" […].[168]

The close ties between the military officers at the PNC and the conservative parliamentarians became visible with Angulo's response. According to Deming, the only aim of the IG investigations against the military officers was to remove them from their positions and place people with affinity to the FMLN.

> [T]he report which was released by the commission that inquired Inspector Zaira Navas, [comprised] the cases of each police officers, all of which had been at the armed forces, all were from the quota of the armed forces. She investigated only these, she arrested... she stopped only

[167] Interview with Ernesto Angulo, 19 February 2013.
[168] Interview with Ernesto Angulo, 19 February 2013.

> these from their professional development. [...] I mean that [the investigation of the Inspector] was a political process that the FMLN had opened with these people. Why? So that their people, their share could take positions at the executive levels.[169]

Other voices of the political Right supported the Commission's view of biased investigations, albeit in a less ferocious tone.

> [F]or me it is important to strengthen internal investigations [...] but what happened there was a political persecution. Basically there was a persecution against those police officers who came from the former ranks of the armed forces. If we look at the cases one by one, the whole focus was on purging the police from former cadres of the armed forces, without making a difference. And some were absurdly ridiculous, I mean, there was a charge against an ex-director […], Menesses. Menesses, in my opinion, committed a series of mistakes and Menesses was not a good manager of the police, but that does not mean he was a criminal. [...] But they invented that he did… and so it came to the Legislative Assembly, because there was some political bias,[…].[170]

Members from the business think tank FUSADES stated:

> [I]n 2010 there was a questioning of the inspector of the police […] because it was assumed that she was prosecuting cases with bias, only against those who were soldiers and not against those who had belonged to the guerrillas. Such problems still have some impact […].[171]

In May 2011, the Supreme Court declared the Commission as unconstitutional on the ground that the matter was not of national interest (Chávez et al., 2011). However, the Commission managed to hamper the investigations and thus to

[169] Interview with César Reyes Deming, 21 February 2013.
[170] Interview with Rodrigo Ávila, 25 February 2013.
[171] Interview with Oscar Alfredo Pineda and René Abrego Labbé (Fusades), 15 February 2013.

protect the officers in question by exerting pressure and intimidating staff at the IG, as Navas explained:

> They made all that show, they knew that legally they could do nothing against me, but they started to call the Legislative Assembly, to request records, to intimidate... One thing was that I was the head of the institution, I was clear that they could do nothing, but those who were leading the investigations, the people that worked were terrified. And many people said to me: "If they are doing that to you, what are they going to do to us when you leave here?" So that's where you see that there was protection.[172]

Deming explained how the inquiry continued:

> SHF: What happened after [talking to Navas and publishing the report]?
>
> CRD: Well, she backed down, a few days later she resigned. And she left, a few days later Zaira Navas left, making a lot of excuses, but she retired from office.
>
> SHF: But didn't the Supreme Court also declare the commission unconstitutional?
>
> CRD: It was declared unconstitutional, but we did the investigation, and the result was there. When we proposed our work and when it was done, only then it was declared unconstitutional, due to the pressure from the FMLN.[173]

In contrast to Deming's statement, Navas did not resign until eight months after the Commission was declared unconstitutional. She resigned in a different context when most of the PNC leadership was replaced (Section 9.4). However, Deming's statements made clear he considered the Commission a success. In the long term, he was right that most investigated officers returned to leading posts at the PNC, and their suspected links to organised crime were no longer

[172] Interview with Zaira Navas, 21 March 2012.
[173] Interview with César Reyes Deming, 21 February 2013.

under investigation.[174] Similar to Navas' resignation, this was not a direct consequence of the Commission's intervention, but the Commission is part of the pattern of contestation. As such, both parties contributed to the polarisation. The polarisation was politically nurtured and used opportunistically. In other words, it was a source of political power. In the case presented above, the military officers under investigation drew on their ties with right-wing Parliamentarians to stave off threats to their positions. All leading members of the Commission were part of the opposition resisting the work of Navas who was affiliated with the FMLN. That is, political power was used to defer the consequences of the FMLN-induced police reforms. Likewise, the FMLN filled top positions at the PNC with officers from their ranks, raising doubts about whether the decisive criteria was party affiliation or job suitability. In this regard, it did not act upon the goal to professionalise the PNC.

9.3.4 Conclusion

As stated initially, a long-term policy was developed which ought to advance with the professionalisation of the PNC. This policy programme, captured in the PEI and other documents, was not designed in an ad hoc manner. However, the implementation of the policy was hampered by several decisions of the Funes administration regarding the position of the Security Minister, encompassing the removal of Manuel Melgar, his replacement with former defence minister David Munguía Payés, and the subsequent replacement of the police director and other leaders of the security sector. This decision-making process was contested by actors like the political opposition, business elites, and the US and meets most characteristics of ad hoc decision-making as outlined in Section 3.3. This ad hoc-ism illustrates how the policy process was altered, as outlined in the subsequent paragraphs.

Awareness of the policy problem of insufficient police professionalism was high among those who had designed the reform plans. However, during the term of the Funes government other policy problems, especially the economic crisis, emerged and demanded immediate policy decisions. That is, decisions to solve

[174] While Menesses had to leave the PNC, Douglas Omar García Funes and Pedro González became director and assistant director of the newly created Antigang Unit and Godofredo Miranda remained Commissioner. See Garrett (2012), FESPAD (2014), and Membreño (2011).

an apparently unrelated problem had an impact on the problem of lacking police professionalism. Drawing on the previous discussion about the Salvadoran economic order, it is argued that the economic order – a hierarchical market economy highly dependent on foreign exchange – was vulnerable to an external shock, the international financial and economic crisis in 2008/2009. The crisis did not lead to an outburst of violence (the worsening of the economic situation at the micro level may have been conducive for more violence, but this connection would require more substantial evidence). However, it shifted priorities of the FMLN government away from the PJSC and the PEI. This implies that police reforms were neglected to some extent which raises the question whether decisions in this regard could also be described as negative decisions.[175] However, there is no proof that a deliberate decision was made to abandon the reform plans and to retain the status quo of a semi-professional police (which is a significant aspect of negative decision-making). The neglect was rather a consequence of other decisions which interfered with and altered the course of the reforms. Thus, the process is best described as ad hoc decision making.

Resistance against the policy was high. Even though Melgar did not promote the PJSC as vigorously as FMLN security experts had hoped, he was the central figure of the implementation of the security policy. However, the US used its economic power when it came to the signing of the Partnership for Growth, putting pressure on the Salvadoran government to remove Melgar. Munguía Payés, coming from the influential circle of Funes' friends, represented a replacement which satisfied both the US government and *Amigos de Mauricio*. Given Miguel Menéndez' prominent role in private security, it is unlikely that *Amigos de Mauricio* had an interest in promoting the FMLN's plans for police reform. In addition, the traditional business elite refused to support the FMLN's security policy. These actors had enough power to outweigh the FMLN security reform plans in favour of their own interests. As for the political polarisation of the police, the FMLN was not able to advance with their reforms

[175] Negative decision making describes the deliberate choice to do nothing about a public problem and to retain the status quo, even though the problem is on the political agenda and a policy might have been formulated. Non-decisions mean that problems are not put on the political agenda and the status quo is retained. Rational decision making means solving public problems by choosing the best of all alternative strategies after attributing costs and benefits to each alternative. Incrementalism refers to decision making which is based on a step-by-step mode and is sometimes describes as 'muddling through'. See Section 3.3.

and diminish the polarisation. To the contrary, both opposing parties used the polarisation for political power struggles which thwarted professionalization efforts. Again, it could be questioned whether resistance against the policy really implies an ad hoc decision-making mode since resistance is most likely to be expected in any policy process and could, for instance, also point to an incremental decision-making style. However, the difference between an incremental and an ad hoc mode lies in the role ascribed to political and social change. Incrementalism is oriented toward achieving change through small, continuous steps. Ad hoc-ism often leads to inertia, despite the intention for change (see Section 3.3). This difference is best exemplified in the effects of decision-making which follows below.

The designation of General Munguía Payés as Minister and of General Salinas as Police Director was declared unconstitutional by the Supreme Court in May 2013 on the ground that the constitution stipulated the separation of national defence and public security (Chavarría, 2013). The removal of the Generals only one year and a half after their designation underscored the temporary character of the decisions.

The most central long-term decision outlined in the original policy was to re-establish a professional, civil, and democratic force willing to serve its citizens. The above discussed decisions taken during the term were all short-term decisions ignoring this long-term goal. The effects of this kind of decision making on police reform efforts are analysed in detail in the next section.

9.4 Effects of elite power struggles on policing

Demonstrating the relevance of security practices for security institution-building, this section discusses the effects of contested decision-making on the advancement of the PNC towards a professional force. It is argued that the power struggle between security decision-makers and other state and non-state actors, which was illustrated in the ad hoc decision-making process, undermined the development of stable democratic security institutions. Thus, elite power struggles impeded the formation of a state which is capable of controlling violence. The conceptual framework introduced two different

characteristics regarding the effects of ad hoc decision making which guide the analysis (Section 3.3): 1. Comprehensive and/or long-term strategic decisions are not or insufficiently implemented because decisions are either ignored or replaced or reversed by short-term decisions which are often unrelated to the long-term strategy. 2. Public problems remain unsolved because ad hoc decisions do not result in substantial change.

The change of General Munguía Payés from the Ministry of Defence to the Ministry for Justice and Public Security on 22 November 2011 marked a turning point of the security policy of the Funes administration.[176] By many critics this has been characterised as re-militarisation due to the military background of Munguía Payés and government decisions which ascribed the armed forces a bigger function in public security (FESPAD, 2014: 20, Aguilar, 2014: 96). The role of the military in public security will be discussed in greater detail in Chapter Ten. Fact is that a significant part of the leadership of security organisations was replaced following Munguía Payés' appointment. Besides the replacement of the head of the state intelligence service OIE and the Vice Minister for Justice and Public Security, most of the replacements concerned the police. General Francisco Salinas, the former Vice Minister of Defence and also a military, became the new director of the PNC. Likewise, the head of the centre for police intelligence (CIP) was replaced, and several heads of divisions within the police had to leave, resigned or changed to a different position. Among them were the heads of the divisions for public security and investigation, the Inspector General Zaira Navas as well as several regional police directors (Aguilar, 2014: 101-109, Membreño et al., 2012).

For historian Guidos Véjar these changes of staff equalled a failure of the FMLN's preventive security approach:

> RGV: What has happened in recent months? [...] The Minister who came with the prevention policies is out; the Police Director that came with that idea is out. The man of the OIE, of the intelligence, who is also part of this line of

[176] This was not the first turning point of the policy. Previous central events and decisions were the deployment of the armed forces to the prisons and the anti-gang law. These are analysed in Chapter 10.

> prevention, is out. The woman who was at the National Civil Police, who was the...
>
> SHF: The Inspector…
>
> RGV: The Inspector General is out. And she was from the line of prevention, too. The National Council of Security disappeared, can you imagine. It disappeared.[177]

Zaira Navas left due to the future militaristic orientation of the PNC which, in her opinion, was implied in the appointment of Munguía Payés and Salinas and which thwarted the FMLN's original security policy.

> In my point of view, the appointment of [the generals] is already unconstitutional. But in addition, their working method is what we are already witnessing: A militaristic approach - in addition to not knowing the essence of the approach of democratic security, citizen security, turning away from the issue of prevention and turning towards the repression of crime again. We are seeing operations, […] mass arrests, and so on. That is contrary to the policy we build, what this government offered in the political campaign; and one cannot be a part of something one disagrees with.[178]

Most of the police officials who had left the PNC during this phase were hugely disappointed because they have had high expectations in the FMLN government.[179] They had worked at a polarised, politicised and often inefficient organisation for many years. In this context, the police reform plans of 2009 had raised expectations about the professionalisation of the PNC which seemed voided with the appointment of the generals. However, those interviewees close to the FMLN who remained at the PNC did not agree on whether the changes implied a reversion of the reform plans.

[177] Interview with Rafael Guidos Véjar, 23 March 2012.
[178] Interview with Zaira Navas, 21 March 2012.
[179] Research diary, 21 February 2012.

> In the opportunities I've had due to my own function, in the working meeting I had with the new police director, I'd say that even being a military, he is really working to sustain the changes at the PNC.[180]

Another police official stated:

> Frankly, the strongest support I have felt in this process [of reforms] is today with the current director, [...] I have seen very strong and very determined steps towards the implementation of community policing. If you ask me where I felt the greatest power for the implementation, it's with the current director, he is the most... Commissioner Ascencio, yes, I cannot say he did nothing, yes, but he lacked that power that is working today.[181]

The following excerpt is from an interview with Howard Augusto Cotto, former assistant director of investigations who had changed to be assistant director of public security shortly before the interview.

> SHF: What are the emphases, what is the approach of your successor in terms of… is he going to continue the same work or is he going to do things differently?
>
> HC: Well that I don't know very well. I guess to some extent yes. Although I think he also has the vision that previously existed, of operating the street.[182]

It is reasonable to assume that those who had left the organisation would speak more frankly about the problematic sides of the changes compared to those who remained at the PNC and were still under observation of their superiors.[183] Likewise, those who had left may have had more frustrating experiences than those who managed to remain at the police. With Munguía Payés and Salinas in place, police employees became more reluctant talking to outsiders, not least because police officers were instructed not to give interviews to journalists

[180] Interview with police official R27, 12 April 2012.
[181] Interview with police official R55, 07 March 2013.
[182] Interview with Howard Augusto Cotto, 15 March 2012.
[183] See Section 3.4 on communication in high context cultures like El Salvador.

without permission of the director's assistant.[184] Although researchers were not explicitly included, this order did not only complicate access to interview partners, but interviewees were also cautious about criticising the new leadership. The direction of Salinas' instruction was clear, instead of transparent communication with the citizens, as envisaged in the PEI, communication became restricted. Cotto's statement cited above is interpreted as an example of cautious criticism. The successor mentioned in the conversation was Héctor Mendoza who had previously been accused for his connections with criminal networks, yet he was the interviewee's replacement for a top position at the PNC. Cotto mentioned the police' 'previous vision of operating the street', relating to zero-tolerance policing under previous governments. His response implied that the successor was part of the old, corruptive leadership that was now staffing key positions again. The return of the old leadership was the main concern expressed in a number of conversations with persons with inside knowledge on the police (besides the interviews already mentioned here). These conversations took place only a few weeks after the replacements, and the persons in question preferred to remain anonymous, fearing for becoming or having become a target of prosecution and being intimidated by personal and physical threats.[185] The concern over the return of a corruptive leadership was also the tenor of Silva's book on corruption at the PNC (Silva Ávalos, 2015). However, the first two statements cited above show a much more positive evaluation of the new leadership. Hence, from the statements and conversations alone it is difficult to evaluate the progression or reversion of reform plans. A more detailed analysis of the implementation of the reform plans is necessary.

During interviews I asked police officers about the implementation of the PEI reform plans and the effects of the changes of staff on the progress of reforms. According to the reform plans outlined in Section 9.2, the main areas where professionalisation was sought were: internal accountability, career structures, investigative capacities, the organisational structure, and community policing.

Progress and setbacks in increasing internal accountability were demonstrated in Section 9.3.3 with the rise and fall of the police Inspector General. Together with Zaira Navas, a number of employees left the IG after the replacement of

[184] Research diary, 18 April 2012; Silva Ávalos (2015: 259).
[185] Research diary 22 February 2012; 02 March 2012; 12 March 2012.

police director Carlos Ascencio by General Salinas. Before the new inspector was designated, I interviewed an employee of the IG. The interviewee characterised the relationship between the IG and the new director as polite but distanced. It was felt that the IG was marginalised again in terms of attention, as well as financial and human resources.[186] The new Inspector General took office in July 2012 and closed all cases of those police officers under investigation for links to drug trafficking (Garrett, 2012). He resigned after just one year due to lack of support from the Ministry and police director (Marroquín, 2013b). Efforts to strengthen the IG as envisaged in the PEI thus came to an end.

Reforms regarding the structure of the police professional career aimed at formalising the promotion system and adapting training and formation programmes to the specific needs of police officials (Policía Nacional Civil/ Dirección General, 2010: 28). The assessment report had revealed inconsistencies between the position of many officials and their degree, formation, experience, or age (Checchi and Company Consulting, 2009: 90). Promotion was a long known problem due to the politicisation of the PNC described in Section 9.3.3. With the *tanda*-like system of PNC leadership merit-based promotion was underdeveloped, but during Funes' term, the Salvadoran Parliament approved of decrees which would allow the much delayed promotion of officers at various levels. Three interviewees explained the problems and according changes:

> There are three commissioners who are in that situation... it is time for them to retire and yet there they are, hired at the same positions with the same issues, not allowing the ones below them to move up.[187]

> [W]e need to strengthen [the police] because it is an ill-equipped, poorly paid police, promotion does not work... For example, at first, only 812 members of the National

[186] Interview with IG employee, 18 April 2012.
[187] Interview with police official R57, 13 March 2013.

> Civilian Police graduated from corporal or sergeant and many of them had to wait 18 years for this to happen.[188]

> The head of police said it was a priority to grant promotions at the basic level, because in 17 years there were never any promotions. So last year, for the first time, over 850 members were promoted from the basic level. Agents moved up to being corporals and corporals to being sergeants. Currently there is a process ... and there were many promotions from deputy inspectors to inspectors, I mean, that concerns the executive level [...]. What for? So that the police can have the generational handover that it needs.[189]

The progress of these efforts to improve police promotion under the Generals Salinas and Munguía Payés is difficult to prove. One police official stated that Salinas promised to be supportive of the process of further professionalisation of police promotion. Yet, it is not clear to what extent he kept that promise. For his part Munguía Payés was quick in replacing the PNC leadership with persons loyal towards him, disregarding their merits. In an interview with researchers from IUDOP he openly admitted preferring a patronage system over a merit-based system.

> Why the changes? Well, changes are normal. When a person assumes a new responsibility, in an office or in a public office, you want to work with people in whom one has a little more confidence, who is not only a capable person, but in whom one has a little more confidence. And the problem of the arrival of the soldiers [...] causes some tensions and anxieties within the police, because we are connected a lot with mano dura, with iron discipline, coercion, including with authoritarianism. So I think some police officers thought we were coming [to do things] this

[188] Interview with Manuel Melgar, 26 March 2012.
[189] Interview with Zaira Navas, 21 March 2012.

> way. And as already expressed, some, their disagreement with the arrival of us... we were not going to work, certainly, in a harmonious and coordinated manner. So it was best to make some changes. So we decided to make some changes within the police itself. And that was the reason for the changes.[190]

A number of posts were filled with people who belonged to the old leadership and/or had been under investigation for criminal and disciplinary offenses. Thus, while in the early period of the legislative term 2009-2014 some efforts were made to improve the structure of the police professional career, the replacements of staff that Munguía Payés was responsible for, reversed much of these efforts for professionalisation.

Strengthening the investigative capacities of the PNC was essential for the government's aim to gain control on crime (*represión del delito*, see Table 2). Most investigative tasks were bundled in the Division of Investigation (*Subdirección de Investigaciones*), apart from some specialised units. Chief investigator Howard Augusto Cotto (2009-2011) was responsible for implementing the reforms in this area as outlined in the PEI (increase staff and equipment, provide more expertise through better training, strengthen regional and local units by decentralising investigative capacities, improve cooperation between the PNC and FGR) (Policía Nacional Civil/ Dirección General, 2010). He shared his view about the PNC's problems with investigations and the steps taken to professionalise procedures and personnel.

> In the division of investigations we began a process of creating all those procedures [to] establish an organizational model and forms of action for investigation which had never been done. I think one of the biggest weaknesses the police always had is the day to day work ... every day work is the most important. And rarely a measure was presented or deployed with the strategic vision to build and strengthen police structures. So one of my biggest efforts was focused on that, on trying to build a

[190] David Munguía Payés, cited after Aguilar (2014: 104).

> model of police investigation that had not existed [before]. From my point of view and the point of view of many other officers, this will result not only in creating a more coherent organizational structure but also to in dealing with the matter of professional development of the police, police training, the chances of developing a career in criminal investigations, establish operating parameters etc. [191]

Others related to Cotto as having been proactive in advancing with the reform plans. Melgar mentioned the increase of numbers of qualified investigators.[192] Security adviser Fernández explained:

> SHF: There were some changes at the police, right, in the field of investigation?
>
> ÓF: Yes, brief ones. Brief ones and unfortunately like everything in this country, they were not continued. This guy Cotto tried to do something, right, he did a reform, and they helped him, but then they removed him and this other guy comes who has a mentality of... he couldn't care less. So that's the story of this poor police, the one who comes, does what he wants.[193]

Cotto's objective was to implement the reform in a way that it would last beyond politically motivated changes such as the replacements in early 2012. That is, he aimed at building a resilient, permanent institution not just by adapting the organisational structure to the strategic objectives of the division (see quotation above), but by generating coherence between the investigators' performance and legal stipulations.

> And look what was the most interesting thing of everything that I tell you, of everything we did: For the first time in the history of the police, besides building those ideas and realising those actions, we generated the conditions for legal actions, for it to work well, for not being something

[191] Interview with Howard Augusto Cotto, 15 March 2012.
[192] Interview with Manuel Melgar, 26 March 2012.
[193] Interview with Óscar Fernández, 13 February 2013.

> done but for it being legal, for the real organisation of the investigation being in accordance with the law.[194]

However, Cotto was replaced only two years after taking the position. General Salinas transferred him to a different unit and put Héctor Mendoza in his position in January 2012. As mentioned earlier, Mendoza was accused of being corrupted by members of the Texis Cartel during his time as head of investigations and police chief in the western region of El Salvador (Silva Ávalos, 2013). Handing him the main responsibility for police investigations in the country implied a change of direction for professionalisation efforts in this field. Mendoza's promotion as chief investigator reversed the Inspector General's efforts to purge the police and fuelled further penetration of the PNC with persons linked to organised crime. Besides the damages caused by Mendoza's background, the bigger problem of a low degree of institutionalisation of police work (which Cotto and others had tried to overcome) was reinstalled. The staff changes caused a considerable disruption of police work, as stated by Óscar Fernández in the interview cited above.

As determined in the assessment report by Checchi and several other analyses, a high degree of centralisation had marked the organisational structure of the PNC (Checchi and Company Consulting, 2009, Beltrán, 2009: 30-32). This was especially the case in the area of investigations. A number of highly specialised units like the Elite Anti Organised Crime Division (DECO) and the Antinarcotics Division (DAN) (usually based in or directed from the capital San Salvador) were well equipped and trained to fight crime related to their speciific field with some degree of success. However, as mentioned before, the performance of investigators of common crime was often poor, not least because local investigative units were underdeveloped or not existent and responsibilities were not clear, as Cotto and a security expert explained:

> [T]he organisational model of criminal investigation gave priority to the central investigative units and not to investigation in the territory. [...] So that was our effort to the extent that we decided to create 83 new investigative

[194] Interview with Howard Augusto Cotto, 15 March 2012.

> sections in sub delegations, places where there had never been established any investigative units.[195]

> The problem some of the assessments found in the area of criminal investigation was that they had created too many specialised areas: homicide, kidnappings, this and that and I don't know what, and that they were centralised in San Salvador. The policing model that the now former police director tried to push was to concentrate the specialised units and put them in one common area [...]. That does not mean that people lose their specialisation but it means to reduce some of the steps or the boundaries between each and, secondly, to distribute them geographically so that if a complex case happened in a department outside San Salvador, that the department had the capacity there and did not have to be calling on San Salvador to send investigators. […][196]

According to these statements, decentralisation meant strengthening investigative capacities especially at local police units and delegating operative tasks to small units throughout the country. However, with the designation of General Munguía as Minister and General Salinas as PNC Director, this process was reversed. The statement of the security expert cited above continues:

> […] That was basically the idea, and I understand that the police director is currently returning to the previous scheme which means returning to specialization and concentrating it in San Salvador.[197]

There is some evidence supporting this statement. One of Munguía Payés' first actions as Security Minister was to create an Antigang Unit – another specialised and centralised unit under the leadership of Douglas Omar García

[195] Ibid.
[196] Interview with government official R2, 05 March 2012.
[197] Ibid.

Funes, one of the commissioners from the ranks of the armed forces previously under investigation by the Inspector General (Valencia, 2012) (Section 9.3.3). This emphasises two aspects: first, the placement of García Funes confirms that with the designation of Munguía Payés, people with military background were given key positions in the PNC because they were trusted by the United States. García Funes had previously worked at the Transnational Antigang Centre which was financed by the US and supported by agents of the Federal Bureau of Investigation (FBI) (Martínez and Valencia, 2011).

Second, the creation of this new special unit indicated a reinforcement of the problems of highly centralised and inconsistent work structures which were sought to be reformed. Being asked about the relationship between the Antigang Unit and other units, this police official admitted that responsibilities remained unclear:

> SHF: How will [the Antigang Unit] coordinate with the other divisions, for example?
>
> R27: This is an organic problem of the police. Indeed, they will have to see how they do it, at what time. That is a problem they have, a serious problem. Because where will be the difference between what crime the investigative division will investigate and what crime the Antigang Unit? If it is homicide, who is going to investigate? Anti-homicide? Or if it is extortion, is there going to be an Anti-extortion unit or not? Or will they pass it to the Antigang Unit? These are answers that I cannot give you […].[198]

The discontinuity of the decentralisation process contrasted with the interview statements about progress on community policing. As mentioned earlier, community policing was to become the guiding principle of policing and a major venture for advancing in preventive work. Before 2009, some proactive police officials in the police' secretary of community relations discussed the concept of community policing and were trying to incorporate it through a number of pilot projects. Despite some initial success, these pilot projects remained piecemeal and were never expanded to the entire police under police directors before

[198] Interview with police official R27, 12 April 2012.

2009.[199] This changed with the FMLN security reforms, as Director Ascencio supported the plan to train all police staff in the principles of community policing, seeking to improve the relationship between the police and citizens in several ways.[200] Most importantly, it would have been an important step towards realising the claim of citizen security according to which the police is a democratic force that serves its citizens (Section 9.2). It would have implied a police that is more present in communities, knowing about and acting upon local problems of security, building trusted relationships with the population, and countering the feeling of insecurity that many Salvadorans had. Ultimately, the implementation of community policing would have meant the rapprochement between society and state which was exactly what the PJSC was claiming to achieve.

Interestingly, the quote of the police official R55 cited at the beginning of this section indicates that while Ascencio was the one to introduce community policing as a principle for all police work, it was under General Salinas that community policing was more promoted. Julián Belloso, head of the Technical Council, confirmed this with clear words:

> From all the people of this government, the only one who speaks of community policing is the Director of the Academy [of Public Security]. Not even the former Director [of the police, Ascencio] talked about it, he was afraid. He was a coward! It's true because he did not agree with us. The previous governments did not agree. But this one [Salinas], yes, because he quickly signed the documents.[201]

Similarly, this police official underscored Salinas' support for the concept of community policing:

> Ex-General Salinas said he really believed, he was sure, he was convinced that the police itself [...] would not solve all the problems of crime in the country; that it needed to

[199] Interviews with police official R55, 07 March 2013 and with police official R29, 18 April 2012. See also Savenije (2010).
[200] Interview with police official R55, 07 March 2013.
[201] Interview with Rolando Elías Julián Belloso, 14 February 2013.

> be close to the population, to the community; that it needed the support of the society, of the people; that therefore he agrees with the community approach of the police […].[202]

To sum up, in all areas in which reforms were sought, efforts were made before the replacement of the minister. After the replacement of the minister and the subsequent personnel changes, setbacks were observed in all areas except community policing. This clearly showed the impact of the decisions on the course of reforms. The exception of community policing is difficult to explain, but it could be due to the strong involvement of USAID in this field. If the US favoured working with General Salinas over working with Ascencio who was a civilian, this might explain the advancement of community policing. Does the partial success of community policing imply an incremental decision-making mode? As argued earlier, incrementalism is oriented toward small step changes whereas ad hoc-ism is more prone to inertia. Thus, the changes achieved in community policing could point to a different decision-making style. However, in the case of the replacement of the police director there is no evidence that Salinas took over in order to deliberately continue with community policing and thus achieve small step changes. Rather, the continuation of community policing plans seems fairly contingent.

It remains to be seen whether community policing becomes the guiding principle for all areas of policing and whether any other reform efforts survived the short term changes. With regard to the ad hoc character and the contestation of security decision making under the Funes government, the analysis of the effects of decision making revealed that the decisions to change the minister and other leaders in the security sector altered the policy process. As the examples of police internal accountability, investigative capacities, and career and organisational structure demonstrated, the government's short-term decisions for replacement impeded the continuance of strategic long-term reforms. The effects of the short-term decisions reversed much of the reforms; thus, the problem of limited police professionalism which was identified in the assessment report remained unresolved. This confirms the second part of the

[202] Interview with police official R27, 12 April 2012.

thesis' argument with regard to the police, namely that ad hoc decision making undermined the development of stable democratic security institutions.

With regard to the militarisation of public security the Court's decision to declare the Generals' position unconstitutional showed that the role of the military is critically observed and debated in El Salvador. Although the military did severely interfere with the realm of public security, democratic mechanisms functioned inasmuch as the military's interference could at least be pushed back by the Supreme Court's decision. However, for the progress of police professionalization, the removal of the generals only one year and a half after their designation meant yet another change of personnel. The cycle of ad hoc-ism lasted which meant that the discontinuity continued.

9.5 Conclusion

The analysis of police reforms between 2009 and 2014 firstly highlighted conflicts within the political system. It showed that political elites from the Left and the Right instrumentalised political polarisation to maintain their power. This political polarisation fostered ad hoc decisions and impeded the realisation of police reforms. Secondly, the impact of actors which do not form part of the Salvadoran state played a role in the failure to realise reforms. Salvadoran business elites which are traditionally close to the conservative right-wing ARENA party developed different strategies for dealing with the FMLN rising to power and for securing their traditionally strong influence on economic politics. Where economic and security interests overlapped, the majority of the business elite resisted government initiatives and only a small part of the elite accommodated with the government. However, in both instances, activities of business elites undermined state efforts of security provision. Furthermore, based on its position as the biggest bilateral donor and most important trade partner, US interests impacted on the security decision-making process of the FMLN government. The US influenced decision making concerning personnel changes in the Salvadoran Security Ministry which successively changed the course of police reforms. Finally, conflicts within the FMLN impacted on security decision making. Parts of the party, especially of the orthodox wing, disagreed with the post-liberal policies of the moderate wing. In addition, a second

cleavage between the party base and President Funes further complicated decision making. The impact of these state and non-state actors on security policy decisions of the FMLN government and the ad hoc mode which shaped the decisions in this context eventually impeded the realisation of plans for a professional and democratically controlled police.

10. Prison reforms and state responses to gang violence

10.1 Introduction

Whereas the last chapter focused on police reforms, this chapter demonstrates that policy decisions with relevance for prison reforms were also strongly contested and made on an ad hoc basis. Reforming the penal system was a key aspect in addressing social violence under the first FMLN government, as the first section shows (Section 10.2). Given past governments' notorious lack of attention to the prison system (Section 7.4.2), prisons had become places of state negligence where the state exerted only limited control. The core idea of reforms was for the state to regain control over prisons and turn them into places of enforcement of sentences, but also into places of rehabilitation based on the rule of law. As mentioned earlier (Section 8.3), the National Policy of Justice, Public Security, and Living Together (PJSC) did not comprise an explicit gang strategy but addressed the problem of gang violence within other strategies. One such strategy concerned the reform of the penal system. Since prisons were known to exacerbate problems of gang violence, gaining control over prisons would have contributed to better control and contain gang violence. However, decision making during the FMLN's first term differed significantly from the policy programme. Based on the conceptual framework developed in Chapter Three, the analysis shows that most government decisions in relation to the prison system followed a power struggle between the government and the gangs. As such, they were unrelated to a broader strategy of building a penal system which helped to control gang violence. Moreover, adopted decisions were often modified or revised subsequently. These aspects are discussed in Section 10.3 which specifically considers the power struggle between the government and the gangs over the control of violence during the gang truce in March 2012 (10.3.3).[203] The dynamic of the power struggle between the government and the gangs unfolded prior to the gang truce, on the basis of a number of events and government decisions which are analysed in Sections 10.3.1 and 10.3.2. Since the government resorted to military force to gain control, the military is the third major actor in this power struggle. In

[203] The gang truce was set up between the two major Salvadoran gangs, *Mara Salvatrucha* and *Barrio 18* to which most gang members belong. There are other small gangs (*pandillas*) but these are less significant in size and influence (Section 7.5). Therefore, when I relate to gangs or the gang truce, I relate to the *Mara Salvatrucha* and *Barrio 18*.

Section 10.4, this thesis argues that the effects of the FMLN government's decisions were not just increased violence and the militarisation of public security, but a deflection from security institution building, namely from penitentiary institution building. The chapter argues that although non-elites like the gangs were able to influence the policy process, they did not outweigh the power of state and non-state elites. The attempt to achieve an accommodation between state elites and non-state non-elites over violence control failed because there was no agreement reached over the gangs giving up coercive power or transforming it into another form of power. As a consequence, efforts to centralise violence and build a legitimate state monopoly on violence failed.

10.2 Prison reform efforts under the FMLN: from the penal state to the 'Road of Opportunities'

According to the FMLN's security plans, improving the penal system aimed at various aspects, namely improved security, the training of personnel, adequate attention to prisoners, modernise the sentencing system, investment in the prison infrastructure, and a focus on rehabilitation and reintegration (Ministerio de Justicia y Seguridad Pública, 2010, Dirección General de Centros Penales). These measures were delineated in a very short policy paper which comprised 26 lines of action (Dirección General de Centros Penales). The penitentiary policy was also called *'Carretera de oportunidades con justicia y seguridad'* ('Road of Opportunities with Justice and Security'). As discussed earlier (Section 7.4.2), the prison system had been politically neglected for most of the post-war years, and prison institution building in 2009 faced enormous challenges. Rodíl Hernández, at the time of the interview Assistant Director of the Directorate General of Penitentiaries (DGCP), described the reform efforts as follows:

> RH: We say it like this: we did not start from zero, but we had to start from minus 10, minus 20 actually. So, we had to begin with this policy not from zero or from five but from somewhere very low.
>
> SHF: Where are you now?

RH: Perhaps at one… at one or two […].[204]

Stopping the trend towards the dehumanisation of prisoners did not just imply an improvement of the conditions in prisons by placing inmates at the centre of the penitentiary policy. The claim of rapprochement between state and citizens which underlay the PJSC's orientation towards citizen security meant that more attention was paid to the rights and needs of inmates and their relatives. In the introduction of the Penitentiary Policy reference was made to the disrespect both prisoners and staff experienced in the past.

> We have had twenty years of governments who relied on repression and the application of harsh sentences without an emphasis on reintegration and rehabilitation of prisoners. Also those responsible for controlling and monitoring the prisoners were becoming repressed groups and despised by the system […]. (Dirección General de Centros Penales, n.d.: 3-4).

The text then cited Article Two of the penitentiary law as point of reference for establishing a new ethos:

> The execution of the sentence shall provide the convicted with favorable conditions for their personal development, allowing them a harmonious integration into social life when regaining their freedom (Ley Penitenciaria, 1997).

One example of appropriate attention to the personal needs of inmates were the *mesas de la esperanza* (roundtables of hope). These *mesas de la esperanza* were designed to improve the contact of inmates to their relatives, and also served the broader goal of the policy to establish a form of constant dialogue between state organisations, NGOs, and inmates and their relatives.[205]

[204] Interview with Rodíl Hernández, 27 March 2012.

[205] *Mesas de la esperanza* are not to be confused with the *mesa penitenciaria* which was set up in 2009 by the Office of the Human Rights Ombudsman (PDDH) and invited NGOs, prison authorities, and officials from the Security Ministry to regular meetings to communicate strategic issues regarding penitentiary reforms. The PDDH's efforts were met with little interest by government officials and thus were not able to contribute to any strategic advancement of the penitentiary policy. Reasons for this lack of interest are unknown but the Ministry's and prison authorities' reserve is remarkable, given the PDDH's nature as observer of human rights. The PDDH took a central role in pointing to human rights violations in the prison system especially during the period of the deployment of the armed forces in prisons.

The head of an NGO working with prisoners described the improvements that followed from these efforts:

> Since this government took power the system has changed. It opened up and there was a lot of communication. The Road of Opportunities… the *mesas de la esperanza* were opened in every prison and there was a lot of listening at the national level. We were invited to take a tour of all prisons; we visited all prisons, and had access to every individual and every complaint […]. Even some family representatives participated in that tour, every weekend […] we went to the prisons.[206]

One of the biggest problems with Salvadoran prisons was their overcrowding. In 2009 21,032 prisoners shared 8,090 places which means prisons were overpopulated by 260% (Aguilar, 2014: 115).[207] Overpopulation did not only affect the living conditions and physical and mental health of prisoners, it also impeded accommodating prisoners according to their penal status and providing any space for rehabilitation and reinsertion measures. To improve on these problems, the DGCP aimed for creating more places. A second measure to improve on prison infrastructure and security was the installation of a video surveillance system in the communal areas of the prisons which should also help to contain another big problem of Salvadoran prisons – contraband based on systematic corruption. Another step to contain corruption was the replacement and training of prison personnel. One of the most serious efforts to counter corruption in the prison system was the creation of a penitentiary school to train prison guards. The DGCP also aimed at strengthening the capacities for rehabilitation and sentences which could provide an alternative to imprisonment and help inmates to prepare for their release, like probation and day release.

The outlined measure indicated the intention of stopping further dehumanisation. However, this thesis argues that the policy was thwarted by the government's decisions in response to gang violence, especially by the

[206] Interview with Brian Rude, 16 April 2012.
[207] Numbers in the cited study are based on information from the DGCP.

decision to deploy the armed forces to the prison perimeters. Therefore, the penitentiary system was not turned into a rehab-oriented institution.

Altogether, the conceptualisation of the penitentiary policy was weak. The FMLN's penitentiary policy was not as detailed as the police reform plans. The concept presented in the Road of Opportunities was only 16 pages long, in some cases reform areas did not correspond with the lines of action, and funds and budget allocation remained unclear. The policy represented more a collection of ideas on how to realise the envisaged new ethos rather than strategic long-term planning with detailed steps of implementation. Not least, this may be due to the lack of support and interest of international organisations and bilateral development aid in criminal justice reforms (Sections 4.2.3 and 7.4.2). Zinecker (2014: 374) stated that while FMLN security experts were good at developing preventive security approaches, they lacked concrete ideas of how to control and repress crime. If this was true, it could be argued that approaches to control and repress crime largely resembled ARENA's *mano dura* approach. Since the *mano dura* approach did not comprise penitentiary reforms, concepts of criminal justice based on the rule of law remained underdeveloped. The following sections explore the validity of this argument in detail.

As a starting point, the question arises how gang violence and prison policy are related. As shown in previous chapters, ARENA governments responded to gang violence by *mano dura* policies which included punishing gang affiliation with prison penalty, and the extension of maximum penalties which prolonged the time inmates spent in prison (Cruz, 2011). Although detained gang members were often released due to lack of evidence (Wolf, 2008: 73), prison population rose from 7,754 to 19,814 inmates between 2000 and 2008 (Table 1). The first FMLN government's security policy did not elaborate explicitly on a gang policy but the general direction was clear from PJSC's citizen security focus. Controlling and repressing crime was considered to be important, but rapprochement and dialogue, prevention and rehabilitation were the buzzwords that marked the FMLN government's approach to potential and actual offenders, including gang members. An adequate implementation of prison reforms would have supported this approach. It must be considered that not all prisoners were gang members. In 2009, at the beginning of Funes' term, about

30% of inmates were affiliated to a gang.[208] However, policy makers, journalists, and academics have suggested strong leverage of incarcerated gang members – especially incarcerated gang leaders – inside and outside of jails. Based on the case of Brazilian prison gangs, Lessing (2010) argued that the power of imprisoned gangs manifests itself in their degree of control over prison units, their ability to spread to different prisons within the penitentiary system and the projection of their power beyond prison walls (Section 7.5). In September 2004 a number of Salvadoran prisons were exclusively assigned to either the *Mara Salvatrucha* or the *Barrio 18,* the two major gangs (Valencia, 2014). It is believed that this helped the gangs to expand their control both inside and outside jails and that extortion and homicides are frequently ordered by imprisoned gang leaders. A systematic empirical analysis of the leverage of incarcerated gang members on criminal activities outside prisons is still missing. Despite the lack of reliable data, government decisions strongly built on the assumed power of imprisoned gangs, as we will see in the example of the armed forces being deployed to the prison perimeters. This together with further examples outlined below demonstrates that government responses to gang violence strongly impacted on the course of prison reforms.

10.3 Ad hoc security decision making: the power struggle between the FMLN government and the gangs

10.3.1 Deployment (and withdrawal) of the armed forces to (from) the prison perimeters

Salvadoran soldiers had been taking over public security tasks since the end of the civil war despite the strict separation of defence and public security tasks established in the Peace Agreement (Section 7.3). As discussed in Section 7.3, ARENA governments adopted an authoritarian, punitive approach to solve problems of crime and violence, and therewith undermined the strengthening of the security sector in the spirit of the Peace Accords. In the public security sphere, ARENA governments kept relying on the military. As Chapter Nine demonstrated, ARENA maintained political leverage on the police through its links with officers with a military background. It showed how difficult it was

[208] Figures from the DGCP, cited in Aguilar (2014: 124).

during Funes' term to reduce the influence of military officers at the police. This section explains how the military's influence was not limited to the police but extended to the prison system. It bases the explanation on the proximity between President Funes and Munguía Payés, a military officer who belonged to the circle of *Amigos de Mauricio* (Section 9.3.2.).

Given the FMLN's historical distance from the military and the party's envisaged public security policy, the intensified use of military force in public security issues under the Funes administration was remarkable. The PJSC did not indicate an involvement of the military in any field. In fact, the armed forces were brought up only once in the entire document under the fifth pillar (legal and institutional reforms) with regard to the coordination of state security organisations, mentioning the *exceptional* use of the Armed Forces of El Salvador (FAES) in the realm of public security *within* the constitutional framework (Ministerio de Justicia y Seguridad Pública, 2010). Being asked about the possible role of the armed forces in public security envisaged on the PJSC, an FMLN security expert said:

> [O]ur security policy proposal was a concept of the progressive left […]. We never set out to expand the participation of the armed forces in security tasks, we never proposed that. To the contrary. What I do remember is that we neither said the armed forces were being excluded from security tasks but we did not say it was going to expand powers […], impossible. We were not going to propose that.[209]

Yet, in May 2010 Legislative Decree 371 was passed which allowed for the deployment of the armed forces in penitentiaries (Asamblea Legislativa, 2010). This was not the first decision which extended the tasks of the FAES in public security. In October 2009 Presidential Decree 70 paved the way for soldiers patrolling the street both with and without the police in a number of – presumably the country's most violent – communities (Funes, 2009). Both decisions were taken in response to public pressure on the government to react upon criminal violence *and* because Munguía Payés, at the time still Minister of

[209] Interview with security expert (and police official) R27, 12 April 2012.

Defence, publicly proposed the FAES's assistance in public security tasks (Aguilar, 2014: 90). With the legislative decree from May 2010 the Legislative Assembly decided on the deployment of soldiers in nine out of 19 prisons as a temporary measure for one year in order to control the entrance and exit of prisoners, visitors, and goods, as well as the periphery of the prisons. The military's presence was limited to the perimeters and entrances, though control inside prisons ought to remain in the hands of prison authorities.[210] The measure was prolonged in the following year. Likewise, the deployment of the armed forces in other public security areas was constantly extended: soldiers patrolled street, they were sent to schools to prevent recruitment of students by gangs, and they were placed as support for border control to contain contraband. Aguilar (2014: 90) noted an increase of 6,500 soldiers assigned to public security tasks in 2009 to 8,200 soldiers in 2010 and 2011 (in comparison, 1,975 soldiers were counted in 2008). About 1,500 of them worked at the prison perimeters. However, the military's presence in jails came to a sudden end in April 2012 when the government ordered their immediate withdrawal (see below).

This decision to include the military in public security provision and to extend its deployment, brings to question how far the decisions represent ad hoc measures. The step to deploy the military in penitentiaries was justified with the need to counterbalance the scarcity of prison personnel and to allow for the re-organisation of guards which included the purge of corrupt staff and the training of new personnel. Furthermore, it was regarded as a measure to contain the coordination of criminal activities outside jails by inmates through more rigorous control at the gates. The decision was made while Manuel Melgar was still Minister of Security. He explained:

> […]The logic of [deploying soldiers to the security perimeters, SHF] was that we encountered very unmotivated staff in prisons, very corrupt staff, and we had to impede escapes. [...] So, the explanation of the

[210] Salvadoran prisons have three security rings; soldiers were deployed at the gate locks of all rings and withdrawn from the two inner rings in April 2012. In the debate about the degree of military control over prisons, different views existed as to whether the deployment of soldiers to the inner rings implied that the military was taking over control inside prisons or not. The penitentiary law prohibited the military taking over any tasks involving contact with prisoners; with the legislative decree from May 2010 this regulation was suspended. Thus, legally, the military took control inside prisons.

> presence of the armed forces has to do with - in the case of prisons - the need to strengthen security without having well trained staff, because you have two possibilities to control a prison: together with prisoners or by trying to exert control. We chose to try to exert control and effectively there is more control.[211]

Rodíl Hernández, Assistant Director of the General Directorate (at the time of the interview), pointed to the problem of corruption in prisons:

> SHF: When the thought of asking the armed forces for their support came up, where did the idea come from?
>
> RH: […] It was an open secret in the country that prisons were places where crimes were (and still are) committed. There was a very high level of corruption in the system, so much corruption that it ranged from the lowest spheres of the system to the highest.[212]

Nelson Flores from the NGO FESPAD stated:

> The argument raised at some point by the government was that it was necessary to use the army [...] because the Directorate General of Prisons intended to purge all guards.[213]

Similarly, Douglas Moreno who was the Director General of the Penitentiaries at the time when the decision was made (2009-2011) justified the step with the need to purge prison staff:

> SHF: How was the decision to deploy the armed forces made?
>
> DM: Extortions exploded [...]. Cell phones [were smuggled into prisons] without any difficulties [...]. We had to purge. And at the same time, we had to train. [...] So I told the President, I spoke with the minister of defence, and I said:

[211] Interview with Manuel Melgar, 26 March 2012.
[212] Interview with Rodíl Hernández, 27 March 2012.
[213] Interview with Nelson Flores, 26 March 2012.

> take a hard, drastic decision of the armed forces participating in [prison] security to a certain degree... without interacting with prisoners.[214]

Interestingly, the idea of military support in prisons had been brought up already in the Penitentiary Policy, albeit in a very vague formulation and without going into detail about any strategic, practical or legal implications (Dirección General de Centros Penales: 13). Thus, it could be argued that this particular decision was not entirely ad hoc in the sense that it came out of nowhere. However, the whole decision-making process regarding the deployment and withdrawal of militaries in prisons clearly shows characteristics of ad hoc-ism as conceptualised earlier in this work, as the following discussion highlights.[215]

The crisis of the penitentiary system was a permanent crisis (Section 7.4.2). Corruption among prison staff, overpopulation and the large-scale coordination of extortion by inmates were bringing the prison system near to a collapse, while the increasing number of revolts of imprisoned gang members with lethal consequences fuelled the public impression that the state was not in control of the penitentiaries. However, neither the problem nor public awareness of the problem was new. The media had frequently reported about the 'penitentiary crisis' since the 1990s (Fundación Quetzalcóatl, 2009). During the interview, Douglas Moreno explained the constant deterioration of the penitentiary system since 1993.[216] In their publications, organisations like FESPAD (Martínez Ventura, 2005) and IUDOP (Santacruz Giralt and Ranum, 2010) had pointed out problems of overcrowding, human rights violations, and lethal violence in prisons. For years, the PDDH visited prisons and observed the precarious situation in which inmates found themselves.[217] Yet, the Funes government's militaristic response to the problem was designed for a limited period of time –

[214] Interview with Douglas Moreno, 11 April 2012.
[215] Ad hoc decision-making was characterised as follows (see Section 3.3): 1. It appears where state and non-state actors use their power to impact on and contest decisions of decision-makers in formal offices; involved actors have adverse interests; resistance against (or attempts to influence) the policy is high. 2. It means that strategic long-term decisions are either easily replaced or ignored or reversed by short-term decisions. Short-term decisions are often unrelated to any strategy. 3. Ad hoc-ism has a temporary character (which means decisions are either provisional measures or soon replaced). 4. It assumes that political awareness of the problem is high, and decisions are made with the intention to solve a problem.
[216] Interview with Douglas Moreno, 11 April 2012.
[217] On some occasions, I accompanied the PDDH during these visits which granted me access to a number of prisons (see Section 3.2 for details of data collection).

initially for one year, later it was extended for another year. Thus, a permanent, complex problem was addressed by a temporary solution.

Moreover, the decision was reversed with the sudden withdrawal of the armed forces from prison gates in April 2012, one month after the gang truce between the *Mara Salvatrucha* and the *Barrio 18* became public.[218] The reason for the removal was not entirely clear. Government authorities released different statements regarding this step: that the newly trained guards were ready to be deployed; that soldiers were pulled out in response to complaints about human rights violations; that the move was not related to the gang truce (Castillo, 2012, Flores, 2012a). Clearly, the decision to withdraw did not take into consideration whether there were sufficient newly trained guards. Instead, coordination with prison management was poor as is shown by the fact that the director of one of the country's largest prison stated that he was informed about the change only two days in advance.[219] Furthermore, being asked about the relationship between soldiers and security guards, the Director of the Penitentiary School, Nora Serrano, mentioned that guards will take over from the military *in the far future*.[220] Given that the interview took place twelve days before the army's withdrawal, it leads to the conclusion that Serrano was not made aware of these changes long in advance, and that from her practical point of view the formation of new personnel would require multiple years of work. This lack of coordination with prison management contradicted the original justification of the deployment of the armed forces with the purge of corrupt staff. Moreover, it raises the question of how prison management could have planned the replacement of soldiers with newly trained, non-corrupt staff.[221] It highlights that the government's decision was unrelated to the reform plans.

Also, the decision to withdraw was taken due to resistance from the gangs against the military's presence in the penitentiaries, which pointed to the intensifying power struggle between government and gangs. In contrast to initial

[218] Research diary, 01 August 2012. On details about the gang truce see Section 8.2.3.
[219] Interview with prison director R39, 16 April 2012.
[220] '[I]n the far future, these perimeter zones will be left by the military and we must be prepared with trained personnel to take those positions. This has been like a containment strategy because remember that the armed forces are not the personnel who has a vision to provide rehabilitation treatment.' (Interview with Nora Serrano, 29 March 2012).
[221] According to data from the penitentiary school, 516 guards graduated in 2011 (Serrano, 2012). Given that 1,500 soldiers were withdrawn, it is unlikely that there were enough newly graduated guards to compensate this gap, even if some soldiers remained at the outer perimeter.

statements of the government, there was evidence of the connection between the gang truce and the soldiers' removal. Approximately one year after the events, Minister Munguía Payés admitted that the withdrawal was linked to the gang truce:

> DMP: The withdrawal of the armed forces coincided with the beginning of the process of the truce, this should be clarified, it coincided with that. But we knew that at some point the armed forces had to withdraw. First, because it was not their role, second, because we were waiting for the newly trained guards to arrive, and third, because we were notified by human rights organisations of too many abuses at the [prison] entrances.
>
> SHF: So it was more by chance that [the withdrawal of the armed forces] was more or less at the same time [when the truce became public]?
>
> DMP: No. No, we had to remove them more or less in those days. But within the context of the truce, we knew that one of the things that most bothered the prisoners was the registration by the armed forces. On the one hand because it prevented smuggling. On the other hand, they were offended because their families were affected. So we thought the time the truce began was the time to withdraw [the armed forces]: "let's deploy the trained people and hand it over to them". This was the most convenient thing to do, which is why we withdrew [the armed forces].[222]

This response revealed that the government submitted to pressure from the gangs. Even though Munguía did not say explicitly that the withdrawal was demanded by the gang leaders, he made clear that it was a concession to the gangs in the light of maintaining the truce. Imprisoned gang members felt impaired by the military's presence in the prisons and used the immediate consequences of the truce – a sharp drop in homicide numbers – as leverage.

[222] Interview with David Munguía Payés, 19 March 2013.

Thus, the withdrawal was a product of the impact of gangs as non-state actors on key government decision makers.

Considering the discussion of the deployment and withdrawal procedures brings to question what role the military had during these events. As discussed in the extant literature, more soldiers taking over public security tasks and the change of the penitentiary law to allow for the deployment of the FAES in prisons were signs of increased militarisation. But the primary power struggle over who controls violence evolved between the government and the gangs. It was the government's decision to deploy (and withdraw) the FAES; the military was the government's source of coercive power to combat gangs whose power, likewise, rested on coercive means.[223] This constellation can be observed in other events, as will be shown next.

Altogether the government's way of dealing with the penitentiary system was contradictory. The normative underpinning of reform plans – the rapprochement between state and citizens by acknowledging prisoners as part of the society – was undermined by the ad hoc decisions to deploy and withdraw the armed forces. The decisions were made in response to pressure from various sides, encompassing the gangs, the general public which demanded a reaction to ever increasing criminal violence, and the military in the person of Munguía Payés who publicly advocated for coercive responses to prison insecurity. The effects of such contested policy making on penitentiary institution building are examined in Section 10.4.

10.3.2 The anti-gang law

Besides the decisions concerning the role of the military in public security, another decision signalled a further shift away from the citizen security framework under which the Funes administration had started out. This decision concerned the *Ley de Proscripción de Maras, Pandillas, Agrupaciones, Asociaciones y Organizaciones de Naturaleza Criminal* (Law Banning Criminal Maras, Gangs, Groups, Associations and Organisations), in short, the anti-gang law. It prohibited the existence of gangs and criminal organisations as well as any support to gangs from third parties, and it sanctioned breaches with up to

[223] See Section 7.5 on gangs and coercive power.

ten years in prison. The initial draft was released by the Security Ministry in June 2010, and the law passed in September 2010. Adopting the anti-gang law formed part of the broader decision-making process regarding gang violence, and a look at the literature analysing these events revealed that the decision was taken ad hoc (Van der Borgh and Savenije, 2014, Aguilar, 2014, Moodie and Martínez D'Aubuisson, 2015, Fuentes, 2015).

The anti-gang law was proposed in response to an unprecedented act of gang violence. On 20 June 2010 members of the *Barrio 18* captured a public microbus with the driver and passengers on board in Mejicanos, a neighbourhood of San Salvador.[224] They murdered the driver, set the bus on fire, and shot everyone trying to escape. The passengers burned to death. More people died in an attempt of members of the same gang to hijack a second bus, among them an 18-month old girl. During these attacks, supposedly an act of retaliation against the *Mara Salvatrucha*, 17 people were killed. Salvadorans were shocked by the incident, and as with the decision to expand the armed forces' involvement in public security, the government had to respond if it did not want to appear as having lost control (Moodie and Martínez D'Aubuisson, 2015: 162). The new anti-gang law was proposed three days after the attack. Although general public support for the initiative was high (Van der Borgh and Savenije, 2014: 18), the use of the law was contested from various sides. It resembled anti-gang legislation of the *mano dura* years. This caused resistance among human rights organisations which denounced the potential stigmatisation of parts of the population (Aguilar, 2014: 72). Also, as Fuentes (2015) and others pointed out, there already existed a law with almost identical content, namely Article 345 of the penal law. Thus, despite broad support for the act in the Legislative Assembly, the practical use was not clear to judges, attorneys, and police officers. Consequently the law was barely used (Aguilar, 2014: 73). Finally, the gangs themselves contested the law. Van der Borgh and Savenije (2014) described how both *Mara Salvatrucha* and *Barrio 18* paralysed public transport by threating bus companies a few days before Funes was to sign the law. They asked the president to veto the law and suggested a 'dialogue' about ending violence. Funes signed the law and refused the *maras'*

[224] For a detailed narrative of the incident and its background see Moodie and Martínez D'Aubuisson (2015).

offer on the grounds that it was unacceptable for the government to 'negotiate' with gangs.[225]

Van der Borgh and Savenije (2014: 18) considered the anti-gang law to be primarily an 'authoritative response to strong public revulsion and the cacophony of statements' that did not address the roots of the gang problem. Fuentes (2015: 143) criticised the mere symbolic use of penal law and the temporary character of anti-gang laws which undermines the use of penal law for adequately addressing criminal acts. All four texts either implicitly or explicitly demonstrated how the Funes administration turned towards a repressive security approach by adopting the anti-gang law. Based on the information of these texts, the decision for the law can be characterised as ad hoc decision making. The law was neither part of the PJSC nor of any other explicit strategy to contain gang violence. Similar to the deployment and withdrawal of the FAES, the measure contradicted the normative underpinning of the PJSC (citizen security).

The anti-gang law caused resistance from both state (judicial branch) and non-state actors (gangs, human rights organisations) which underscores that the decision was made on an ad hoc basis (Aguilar, 2014: 72-73, Whitfield, 2013: 11). Reasons for resistance differed according to the respective organisation(s) that demonstrated discontent. While judges and human rights organisations questioned the constitutionality and practical implications of the law, the gangs had to worry about the limitation of their room for manoeuvre or, in other words, a limitation of their power. This led them to demonstrate their existing power by paralysing public transport and putting pressure on the government to not sign the law. Due to the limited practical use, the law was mostly ignored and thus did not contribute to the solution of the problem of gang violence. In contrast to previous anti-gang laws the act was not adopted as a provisional measure. However, the decision for the law had temporary character since it was basically abolished when the gang truce became public less than two years later (Aguilar, 2014: 73).

[225] The mix-up of dialogue and negotiation is remarkable and created additional confusion over the relationship between the government and the gangs during the gang truce, as the following sections shows.

Similar to decision making with regard to the deployment of the armed forces at the prisons, decisions concerning the anti-gang law were made in response to pressure from the public and from the gangs. The decisions revealed a preference for a coercive approach while at the same time representing an ad hoc response which was not connected to a broader strategy of reducing gang violence. The gang truce which is discussed in the next section also clearly featured characteristics of ad hoc decision making. However, in contrast to the previous two aspects, the truce was a non-coercive response to gang violence, and the implications of this difference are discussed below.

10.3.3 The gang truce

On 14 March 2012 *El Faro* published an article about the Salvadoran Government negotiating the reduction of homicides with gangs (Martínez et al., 2012). The story revealed that in the days before the legislative elections on Sunday 11 March 2012 thirty top gang leaders were transferred from a maximum security prison to ordinary prisons. According to the newspaper, the transfer allowed the gang leaders from the *Mara Salvatrucha* and the *Barrio 18* to communicate to all their members a truce between the two gangs. Since that weekend homicide rates were constantly dropping from an average of 18 homicides per day in the first months of 2012 to about 5 homicides per day.[226] A month later newspapers celebrated the first day without any homicide in three years (El Mundo, 2012, Flores, 2012b). In the days, weeks, and months that followed, the truce and its impact were subject of intense and controversial debates. The circumstances of the disclosure of the truce and the nebulous, incoherent reactions from the Funes administration made clear that the negotiations had not been intended to go public.[227] Information about the conditions of the truce, possible claims from the gangs and concessions made from the government was scarce and contradictory. In the following months, more details emerged but the process remained opaque. It became known that former ERP commander (and adviser of Munguía Payés) Raúl Mijango and military chaplain Fabio Colindres had mediated the conversation between the gang leaders. While Minister Munguía Payés initially denied any involvement of

[226] Numbers are based on figures of the PNC, cited in Smutt (2012: 3).
[227] Research diary, 12 March/ 16 April/ 01 August 2012.

the Salvadoran government, he later admitted that the government had 'facilitated' the talks without being a negotiating part itself by sending Mijango and Colindres as mediators.

> [T]he role we have been playing as government has been the role of facilitating the work of the mediators and sometimes even promote it, help them to promote it. And to the extent that this is happening, there is greater involvement of us.[228]

This version was rejected by Funes who continued to deny any involvement of the government in the process.[229] This rift between the Security Minister and the president further contributed to the confusion and scepticism among the population about the truce. It also was not clear what the truce comprised. Besides refraining from killing rival gang members, the conditions and the purpose of the truce seemed unclear. In the months that followed the disclosure of the truce, proposals for agreements were exchanged between the gangs and the facilitators with differing content. The gangs suggested ceasing attacks on members of the police and military, extortion of bus drivers, forced recruitment, and recruitment at schools. They demanded improvement of prison conditions, including the withdrawal of the FAES, and opportunities of reinsertion of gangs and their relatives outside prison, among other claims. Reacting on public discussions regarding the continuance of extortion while the truce was in place, they proposed to:

> reduce all acts of violence and criminality in exchange for: an end to police operations in the communities; repeal of the law prohibiting gangs; reforms to the Penal Code and prison conditions; an end to torture and abuses by police during interrogations; removal of soldiers from public security deployment; pardons for aged and infirm prisoners; an end to extermination groups; and reinsertion

[228] Interview with David Munguía Payés, 19 March 2013. Similar statements were made at other occasions.

[229] For accounts of the truce process see Garrett (2013), Whitfield (2013), and Mijango (2013). For further analysis see Peeters et al. (2013), Kan (2014), and Sampó and Bartolomé (2014). For micro analyses of truce effects see, for example, Zoethout (2014) and Carballo (2015). Despite these overviews and analyses there is little in-depth academic research about the truce.

> programs including education, training and jobs for those on the outside and relatives of incarcerated members (Garrett, 2013: 20).

The Funes government did not react upon these requests directly, but the facilitators Mijango and Colindres brought up a number of issues which were discussed with the gangs (Whitfield, 2013) and some government decisions seemed closely related to the gang leaders' proposals, as we will see below. Against this background of little transparency, it is not an easy task to delineate the government decision-making process. However, it is still possible to take the most obvious decisions that related to the gang truce and analyse them using the notion of contestation and ad hoc decision making established earlier. This reveals two important aspects which are explained in detail below. Firstly, government decision making was connected to the power struggle between the gangs and the government. Secondly, despite its ad hoc character, the truce process could have become part of a broader strategy of containing gang violence if the government would have taken ownership of the truce.

Two decisions which directly related to the situation in the prisons and were already touched upon were the sudden withdrawal of the armed forces from the prison perimeters and the transfer of 30 gang leaders to prisons with lower security standards. Another decision concerned the formation of so called 'peace zones' or 'sanctuaries' at a later stage of the truce. In January 2013 gangs promised to cease violent confrontations in a handful of communities, while the state, in turn, agreed to relax police control and fund social reintegration projects (Garrett, 2013). This was to be gradually extended to more communities. Another important government decision regarding the gang truce was tolerating a conversation about the reduction of violence in which the gangs took an active part. Whether this conversation was a dialogue or a negotiation, and whether it was promoted, facilitated or just not obstructed by the government, remained unclear. Either way, for the first time the gangs were acknowledged as actors who could play an active role in the solution of problems of violence and crime. Finally, Funes' refusal to take the lead in this process also represented a form of decision – most likely a negative or non-decision, according to Howlett's taxonomy of decision making (Section 3.3). Decisions that are actually not made are difficult to analyse, which depicts clear

limits to the use of the policy model. Yet, Funes' position was not unimportant. If it is regarded as a part of the policy process and not just a single (non-)decision, it links to the bigger issue of a missing long-term strategy for the truce process.

A first indicator of ad hoc-ism is that decisions were not part of a broader strategy of controlling gang violence. As demonstrated in Section 10.3.1, the withdrawal of the FAES was not linked to the policy of prison institution-building but was related to the 'negotiating' process with the gangs. Likewise, the transfer of the gang leaders was a concession to the gangs. In fact, Nelson Flores from the NGO FESPAD pointed to the arbitrariness of the transfer of gang leaders. Article 91 of the penitentiary law established clear mechanisms according to which prisoners can be transferred to different penitentiaries (Ley Penitenciaria, 1997). According to Flores, these mechanisms were not considered in the case of the 30 gang leaders.[230] Disregarding the inappropriate legal conditions, the prison transfer as well as the withdrawal of the FAES and the creation of peace zones could have become part of a strategy if the government would have taken ownership of the truce and integrated it into a sustainable, comprehensive strategy of containing gang violence. However, in the following paragraphs it is shown that there was no strategy which guided and structured state action regarding the gang truce:

It never became clear what should follow the truce. It remained questionable how the temporary lowering of homicide rates could be guaranteed in the long-term. Moreover, it remained unclear how the government could use the gang leaders' readiness for dialogue to construct larger agreements. Beyond that, the question remained about how the truce could be used to develop functioning reintegration programmes. These questions concerned with the sustainability of the truce were raised during interviews and informal conversations shortly after the truce went public.[231] In 2012 one interviewee from the police leadership compared the situation to the post-war period, arguing that a DDR (demobilisation, disarmament, and reintegration) programme was needed to make the truce sustainable.[232] The same questions were raised in policy briefs[233] and interviews that followed later. In 2013 concerns regarding the

[230] Interview with Nelson Flores, 08 February 2013.
[231] Research diary, 17 April 2012.
[232] Interview with police official R27, 12 April 2012.
[233] See, for example, Peeters et al. (2013).

sustainability still persisted. Nelson Flores from the non-governmental organisation FESPAD which worked together with imprisoned gang members and their relatives explained:

> [I]f there is no adequate way to institutionalise [the truce], then any government can come and break this, and then things will be worse than before, violence will increase. So this is one of the concerns we have. But if it is institutionalised, if things are really done in a planned way, evaluating the public policies of the government, then that's the right way..[234]

During a television interview about the peace zones, Munguía Payés explained that it was conceivable to turn the truce into a state policy.[235] During our personal interview I asked him to elaborate on this thought and he mentioned a couple of ideas:

> How to make this [truce] sustainable? Looking for the involvement of other actors, such as churches, the society in general with all its civil institutions... but also 'territorialising' the whole strategic concept that we had at the national level, bring it to the municipalities. As [the concepts] are being 'territorialised', they are becoming state policy automatically. […].[236]

Yet, it proved very difficult for the government to 'make the truce sustainable'. Since the PJSC, the security strategy developed earlier, did not comprise of an explicit gang strategy, it did not offer any orientation for the government to respond to the gang truce. In addition, the emerging rift between President Funes who refused to lead the process and Security Minister Munguía Payés as the central political figure of the truce demonstrated the disagreement regarding the questions outlined above. For the government, the truce was an experiment with unpredictable outcomes, as Munguía Payés admitted.[237] This underscored the temporary character of government action. In hindsight, the temporariness

[234] Interview with Nelson Flores, 08 February 2013.
[235] Research diary, 27 January 2013.
[236] Interview with David Munguiá Payés, 19 March 2013.
[237] Interview with David Munguía Payés, 19 March 2013.

of the truce was reconfirmed with its gradual abolishment since mid-2013. Security Minister Ricardo Perdomo, Munguía Payés' successor since May 2013, declared that the government would leave it to the mediators and gangs to continue dialogue, which signalled a more distant position of the government (Santos, 2013). After President Sánchez Cerén (FMLN) was elected in March 2014, he announced the new government would discontinue the truce (Mélendez and Aguilar, 2014). Since mid-2013 homicide rates rose again and had reached pre-truce levels by mid-2014 (Gurney, 2014, see also homicide graph in Figure 1).

Developing legal income alternatives to extortion or drug sale for gang members was one of the biggest challenges in making the truce sustainable. Establishing the peace zones were local attempts to face these challenges. Despite the government's promise to provide the municipalities that were declared peace zones with funds,[238] it was the local authorities, the gangs and the facilitators who played the key part in it. A glimpse at one of these peace zones demonstrated the difficulties faced.

The municipality of Ilopango, in the east of San Salvador, was an area afflicted by violence. With the support of local authorities, gang members started two small businesses, a bakery which was run by the *Barrio 18*, and a chicken farm which was run by the *Salvatrucha*. One of the problems was the imbalance between the large number of gang members and the limited profit of such small projects. The chicken farm was intended to provide for about 25 gang members, their families and several imprisoned members of the *Salvatrucha* which seemed already like a high number given the modest size of the project.[239] In newspaper reports, the number of *Salvatrucha* gang members and their families in Ilopango was estimated to be between 500 and 700 persons (Martínez, 2013, elsalvador.com, 2014). Hence, many more alternative income opportunities would have been needed to sustainably change the role of gangs in the municipality. The municipality encountered several other problems.[240] At the time of the interviews with gang members and an employee from the municipality, the municipality was the only sponsor of the chicken project. Whilst

[238] Ibid.
[239] Interview with Marvin, local spokesperson of the *Salvatrucha* gang, 08 March 2013; interview with an employee of the Ilopango municipality R56, 08 March 2013.
[240] Interview with R56, 08 March 2013.

the government had promised some funding, these funds were delayed. Other funds from international donors were bound to other projects or certain communities and thus could not be used for the gang projects, and local companies did not react upon requests for support. Furthermore, since the truce came as a surprise, there was no time to develop a coherent plan or to react upon the doubts of the sceptical population.[241]

This situation at the micro level reflected the problems at the national scale, as Whitfield's (2013) overview over the truce process showed. In September 2012 the Organization of American States (OAS), in particular their Secretary Adam Blackwell, offered support to the process by monitoring potential agreements between the gangs and trying to persuade the Salvadoran government to take a more active role. It announced the creation of a Humanitarian Commission which would gather (moral and financial) supporters of the truce and increase its credibility. The Commission was later renamed as Humanitarian Foundation and comprised representatives of think tanks and the private sector. FUSADES, known for its affiliation with business elites (Section 5.4), took the lead of the Foundation under chair Antonio Cabrales, former president of FUSADES. Through the Foundation, the European Union provided US$ 1.7 million to support the process of 'pacification', as it was called by the OAS (Blackwell, n.d.). This was the strongest sign of support from the Salvadoran business sector. Apart from the Humanitarian Foundation, business elites did hardly engage in providing opportunities for economic reintegration of gang members. Some companies previously engaged in violence prevention and gang reinsertion efforts, as the Americas Society (2012) showed in an effort to encourage more public-private cooperation of this kind. Besides the companies mentioned in the Americas Society's brief, there were other initiatives like the project *Metamorfosis* in Santa Ana which employed ex-prisoners, including former gang members, at a shoe factory.[242] However, most of these projects were developed prior to the truce. They involved either faith-based

[241] According to a report by the NGO Interpeace and news reports, both projects, the bakery and the chicken farm, were still viable in 2014. Funded by the European Union, the *Salvatrucha*'s project was extended to growing and selling vegetables. In September 2014 – after the truce had fallen apart – it still employed 40 gang members. However, according to elsalvador.com, gangs still showed a very strong presence in Ilopango, and extortion was believed to have continued (Interpeace, 2014a, elsalvador.com, 2014). There were no reliable homicide statistics for the municipality in 2014 and 2015 available. It was thus not possible to determine whether the reduction of homicides was permanent.

[242] Interview with project manager Nestor Granados, 18 February 2013.

organisations or multinational companies but no national business corporations. ARENA Parliamentarian Deming gave a list of reasons for businesses not to engage in the truce: choosing gang members as employees would discriminate other young people seeking employment, it was the government's responsibility to provide for gang members, businesses simply did not want to get involved with criminals that were not yet prosecuted, gang members were not ready to subordinate to corporate structures but more interested in becoming entrepreneurs themselves using illegal money.[243]

In addition, not all international actors were supporters of the truce. Its biggest critic was the United States that strongly opposed negotiations with criminal actors (Whitfield, 2013: 13). Given that the US were the most significant economic partner and most important donor in development aid, its opinion was not irrelevant. In October 2012 the US Treasury Department labelled the *Mara Salvatrucha* a criminal organisation arguing that this would allow for better persecution of leaders of the gang (U.S. Department of the Treasury, 2012). However, it also represented a signal towards the Salvadoran government that from the US' perspective negotiations were not the preferred method in dealing with the gangs. A second signal was sent in January 2013 when the US government released a travel warning for El Salvador (U.S. Department of State, 2013).

In sum, supporters of the truce like the OAS, the European Union, and FUSADES were working towards a sustainable truce but broader economic support as well as backing from the US as largest donor and trade partner was missing.

The government's ambivalent attitude towards the gang truce and President Funes' non-decision regarding a more active engagement was strongly influenced by the power struggle with the gangs. Many sceptics of the truce feared that dialogue with the gangs would ultimately increase gang power. The government's decision to transfer gang leaders into prisons with lower security standards certainly helped the gangs to organise themselves. There was no way to guarantee that improved organisation was only used to command a stop

[243] Interview with César Reyes Deming, 21 February 2013. More in-depth research about the role of the business sector would be needed to validate the listed reasons for lack of support.

of homicides. However, the truce also revealed the already existing power of the gangs. Their ability to organise the reduction of homicides pointed to the functioning hierarchy and a certain unity which must have had developed before the truce. The truce only made this high degree of organisation visible.

Besides these more pragmatic considerations, the debate about increased gang power and the purpose of the truce can be grouped into three different threads: one group of critics argued that the truce was a 'mafia peace' which helped gangs to expand narco-trafficking business. According to this group, homicides were a pressure mechanism, thus, if the gangs' claims were not met they would return to kill people. Concerns that the gangs could blackmail the government were expressed across different political factions. FMLN security adviser Fernández stated:

> What will the gang members say if one day the government does not give them anything? Then they will return to throw two thousand dead on the street. I mean, who dominates, who rules public security? The state or them?[244]

Likewise, ARENA Parliamentarian Deming criticised that any concessions towards the gangs were extortions if they were granted against the background that the murder rate was in the hands of the gangs. He considered the truce to be a mafia peace:

> SHF: In your opinion, would it have been better not to negotiate with the gangs?
>
> RD: And do you think it is right to negotiate with criminals? Of course not. No modern country, or underdeveloped country, if you like, negotiates with criminals. […] They called it a mafia peace. […]. All this ends in a disaster.[245]

Doubts about a 'criminalised peace' (Whitfield, 2013: 16) were also expressed by former ARENA presidential candidate Ávila:

[244] Interview with Óscar Fernández, 13 February 2013.
[245] Interview with César Reyes Deming, 21 February 2013.

> [I]n the long term, [the truce] can be a very serious problem, simply because negotiations take place with the gangs, about gang members stopping to killing people. But the gangs are being strengthened as criminal organisations.[246]

These concerns about government interaction with criminal actors were shared with the United States' official stance, and they were also expressed by international analysts (Farah and Philips Lum, 2013, Sampó and Bartolomé, 2014). Doubts were raised that instead of ceasing the killing, dead bodies were simply hidden. Reports about an increased number of disappearances while the truce was active, and the findings of various clandestine cemeteries were indicative of this possibility, although there was little reliable data available (Rauda Zablah, 2013, Dudley, 2014). This nurtured the concern of a mafia peace which only would have served the gangs to expand their economic (narco-trafficking) and coercive (homicide as pressure mechanism) power.

A second group argued that the truce offered a unique chance for pacification if gang members could be socially and economically included. This line was argued by the OAS but also by the facilitators of the gang truce, the gang leaders and all those who attempted to make the truce sustainable (see above). Choosing the way of permanent pacification would have required the gangs to give up their coercive power and their potential economic power in return for economic participation and improved prison conditions. However, broad economic participation was not in sight which made the realisation of this path difficult. In addition, the gangs' approach of using their coercive power to demonstrate their wish to be included in society was contradictory, as to become part of the society they ultimately would have had to give up coercive power and subordinate to the state. Similar to the peace negotiations with the FMLN as guerrilla group, coercive power was the only leverage the gangs possessed. This raises the question whether it was conceivable that gangs would acquire political power, like the FMLN started to do 20 years earlier.

This was the line of argument adopted by a third group. Farah (2012) and Lohmuller (2015) suggested that the gang truce helped the gangs turn from

[246] Interview with Rodrigo Ávila, 25 February 2013.

criminal to political actors, although it remained unclear what the notion of a political actor meant. Hernández (2015) attempted to address this question academically by arguing that Salvadoran gangs had some potential to act as political pressure group. However, research about the political potential of Salvadoran gangs is still at its very beginning and the concept is not fully developed yet. One of the questions that arise is to what end gangs would seek to become political actors. These issues notwithstanding, Hernández showed that indicators of influence of gangs on the political sphere exist, such as homicides as pressure mechanism, influence on electoral campaigns, and the development of a common political position of rival gangs.

All three perspectives pointed to the unresolved issue concerning the transformation of gang power.[247] Against the background of Migdal's state-in-society approach and Mann's concept of power networks, the impact of gangs on the political sphere can be understood as part of the interaction between state and society. This interaction can be characterised as a power struggle between the gangs and the state.[248] In this regard, gangs are *social actors* that use violence as a means to exert power over the policy process. That means, policy making is contested not because of resistance against the policy but because of the leverage social actors have. This leverage notwithstanding, the question as to what kind of power gangs could acquire in a pacified social environment remained unresolved, and the truce failed. The government's decision to tolerate the participation of gangs themselves in the debate about reducing gang violence also reflected this dilemma. On the one side, gangs were acknowledged as relevant actors in the process which had the power to reduce violence, but on the other side, there was the fear of turning gangs into even more powerful actors given that they used coercive power as leverage.

[247] Apparently, dismantling gang structures altogether was never subject of negotiations as this was considered to cross a red line of the gangs (Martínez and Sanz, 2012, Whitfield, 2013: 11).

[248] Although the power struggle was displayed here primarily as a struggle between the gang leaders and the government, it also concerns other state actors. The police and the military were state actors used to contain gang violence. As such, they were also targeted by gang violence, and their role was discussed during the truce. Thus, in a broader sense, the power struggle took place between the gangs and the state.

10.3.4 Conclusion

State responses to gang violence under the FMLN government 2009-2014 were contradictory. This section argued that decisions regarding the deployment and withdrawal of the army to the prisons, the anti-gang law and the gang truce showed characteristics of ad hoc-ism. This is confirmed if the entire decision-making process in the realm of prison policy is considered. Although singular aspects of other decision-making modes (Section 3.3) can be found at some stages of the process, they are not crucial.[249] First, Funes' reluctance to take the lead in the truce process could be seen as a non-decision. However, the entire prison policy-making process cannot be characterised as non-decision making because the penitentiary crisis was deliberately put on the political agenda by the FMLN government. As outlined at the beginning of this chapter, prison reforms aimed at placing offenders, including imprisoned gang members, at the centre of the penitentiary policy, and a number of measures were developed to improve the penal system. Second, the process was neither rational nor incremental because decisions did not build on each other but often contradicted each other. The deployment of the armed forces in the penitentiaries and other areas of public security as well as the anti-gang law marked a repressive turn away from the penitentiary policy. Yet, decisions which were related to the truce contradicted the previous repressive turn: gang leaders were transferred to prisons with lower security standards, the armed forces were withdrawn from the prisons, dialogue with the gangs was tolerated, and peace zones with relaxed police control and opportunities for social and economic reintegration of gang members were created. Third, the deployment and especially the withdrawal of the army in the light of the gang truce mark some kind of neglect of the prison reform plans by the government. However, this does not fall into the category of negative decision-making because the intention was not to retain the status quo (which is, as mentioned earlier, a decisive aspect of negative decision-making). The status quo was the tense situation at most prisons described at the beginning of the chapter and was

[249] As outlined in Section 3.3 and footnote 175, negative decision making describes the deliberate choice to do nothing about a public problem and to retain the status quo, even though the problem is on the political agenda and a policy might have been formulated. Non-decisions mean that problems are not put on the political agenda and the status quo is retained. Rational decision making means solving public problems by choosing the best of all alternative strategies after attributing costs and benefits to each alternative. Incrementalism refers to decision making which is based on a step-by-step mode and is sometimes describes as 'muddling through'.

sought to be improved by regaining control of the prisons. This intention did not change. What changed, were the tools to achieve this goal (from institutional reforms to repressive measures).

The zigzag course described above showed that the government did not follow a coherent strategy. The previous section also demonstrated that gangs used their power to resist and influence policy decisions, and that at the same time decisions often had a temporary character. In sum, government decision making was ad hoc in all three aspects discussed above. That is, security practices, in contrast to the institutional reform plans, were marked by ad hoc decision making. However, not all ad hoc decisions comprised coercive responses. The truce was a creative approach to reduce violence with non-coercive means. It failed because ad hoc policy making regarding the truce was not transformed into a sustainable long-term strategy.

10.4 Effects of the power struggle between the FMLN government and the gangs on prison reforms

This section turns to the effects of the power struggle between the government and the gangs and the consequences of ad hoc policy making. Similar to the effects of power struggles on policing, the purpose of this discussion is to demonstrate the relevance of security practices for security institution building. Two characteristics of ad hoc decision making were articulated in this regard (Section 3.3): 1. Comprehensive and long-term strategic decisions are not or insufficiently implemented. Instead, they are ignored, reversed, or replaced by short-term decisions. 2. Public problems remain unsolved because ad hoc decisions do not result in substantial change.

The government's failure to make the truce sustainable impeded containing gang violence and violence further escalated at the end of Funes' term (Section 8.3.2). Other problems relating to gang violence were not solved either. The effects of gang violence such as forced internal displacement and migration, and the importance of creating spaces of economic and social participation for gang members were outlined in Section 7.5. Moreover, the situation at the end of Funes' term was depicted in Section 8.3.2. Ultimately, the problem of gang

violence remained unresolved since ad hoc decision making with regard to the truce did not result in substantial change. Another effect of the government's security policy was the increased militarisation of public security as has already been noted in the literature (Aguilar, 2014, FESPAD, 2014). In addition to this, the government's ad hoc decision-making style led to a deflection from security institution building, namely from penitentiary institution building. This means that the long-term goal of turning prisons into rehab-oriented institutions was undermined by short-term decisions, as the following explanations highlight.

With the decision to deploy the FAES at the penitentiaries, it became clear that it was not the offenders, their needs, and the poor conditions they lived under that were at the centre of the policy. Instead, the focus was on containing their criminal activities and prohibiting the organisation of such activities from inside the prisons. Although by 2013, 400 new places were provided at *La Esperanza* prison, the prison population further increased to 26,848 inmates, meaning an overpopulation rate of 316% (Aguilar, 2014: 115). The Funes administration did not create this problem as the extreme increase of inmates dated back to the years of *mano dura* policy, yet the government did not manage to solve the problem.[250] As outlined in Section 10.2, modest efforts were undertaken to differentiate the penalty system and strengthen alternative sentencing and rehabilitation measures. Prisoners interviewed at *Apanteos* stated that the overall situation in the prison had improved since 2009 when a new Director took over. They explicitly mentioned the option to participate in reintegration programmes like working at farms.[251] However, a penitentiary expert registered a temporary deterioration of the situation during the two years when the military controlled the perimeters (2010-2012).[252] He gave examples like the decline of family visits, abusive body checks, and missed recreational activities due to delays of food delivery. Beyond that, he also pointed to the negative consequences for the mental and physical health of the inmates. There are no numbers for comparison at the beginning and end of term but one interviewee calculated that 188 out of 5,300 prisoners in *La Esperanza* were at the '*fase de*

[250] Between 2004 and 2008, while *mano dura* and *super mano dura* policies were in place, prison population increased by 62%. In contrast, between 2009 and 2013 the increase slowed down to 25% (Aguilar, 2014).
[251] Interview with prisoners R37 and R38, Santa Ana, 13 April 2012. It should be noted that the interviewees may have avoided criticism regarding the prison system since the prison personnel selected the interviewees and was present during the interview.
[252] Interview with penitentiary expert R35, Santa Ana, 13 April 2012.

confianza' (stage of trust) and, thus, were able to leave the prison every day for about four hours for job training, and another 100 prisoners were on day release ('*semi-libertad*').[253] Hence, only about five per cent of the prison population at *La Esperanza* were actively prepared for life after prison.[254]

The replacement and training of personnel was probably the most consequent and rigorous implementation of the PJSC plans. While Aguilar (2014: 132-133) noted some irregularities in the process of replacing allegedly corrupt employees, their replacement was perceived as a positive change by prisoners.[255] According to the DGCP, 433 guards and 154 administrative employees were replaced between 2009 and 2013 (Aguilar, 2014: 132). In addition, 800 persons were trained at the newly established penitentiary school (Aguilar, 2014: 135). This signalled some progress that was made in institution-building towards slowing down the punitive trend which characterised the policy of previous governments. A detailed evaluation which examined the effects of the deployment of the military with regard to the containment of corruption, contraband, and the coordination of criminal activities was not available. But effects were still observed in other areas, especially human rights violations of prisoners and visitors.

Being asked about how she perceived the deployment of the FAES at the penitentiaries, an employee of the PDDH criticised that the FAES had total control over every person entering the prisons, not only prisoners and visitors but also prison staff.

> Consequently, the armed forces began, according to the decree, by controlling the perimeter area around the prisons, by taking control of security and of the entrance of inmates, relatives, and officials, of all personnel entering a penitentiary, including prison employees.[256]

[253] Interview with penitentiary expert R39, 16 April 2012.
[254] A much larger number of inmates (2,250) participated in workshops and school but it is not clear to what extent these activities serve as reintegration.
[255] Interview with prisoners R37 and R38, Santa Ana, 13 April 2012.
[256] Interview with PDDH employee Rosa Elena Ramos, 26 March 2012.

In its anual report, the PDDH (2012: 91) wrote: 'Hasta antes del mes de febrero del presente año la Fuerza Armada había logrado tener el control total de la seguridad en los centros penitenciarios […].'

Another interviewee from the PDDH emphasised that lawyers and human rights observers were also affected by this situation and that human rights observation at prisons was hampered by the FAES.

> [T]he armed forces hinder our work so that sometimes it is very difficult or sometimes it is almost impossible to do. In the prisons where the armed forces are, staff from the PDDH has many difficulties entering. The armed forces do not distinguish... a soldier who is doing the registration does not distinguish between the mother of a prisoner, the wife of a prisoner, a lawyer who will come to defend him, or a human rights advocate. For [the armed forces], all are the same.[257]

While NGO worker Brian Rude had observed improvements of the conditions of his NGO working in prisons at the beginning of the Presidential term (Section 10.2), he also described how the situation deteriorated with the presence of the armed forces:

> [T]he soldiers themselves decided who entered and who did not. [...] For us, too, it was a difficult process entering, passing the administration, getting inside, then returning to the administration... it was always a difficult registration [process]. Sometimes it took half an hour, one hour simply passing the registration. We wasted many hours waiting and passing the registration. I don't know, it was like a [form of] aggression, perhaps to discourage people.[258]

Human rights violations committed by soldiers were repeatedly reported. Especially female visitors who represented the majority of visitors suffered abuse during intimate physical examinations at the entrances.[259] The PDDH

[257] Interview with PDDH counsellor Gerardo Alegría, 21 March 2012.
[258] Interview with Brian Rude, 16 April 2012.
[259] Interview with Gerardo Alegría, 21 March 2012; interview with Nelson Flores, 26 March 2012.

(2011) reported that by November 2010 (six months after the armed forces had started working at prisons) 20 cases were under investigation which were in majority about abusive examinations of visitors and prison and court employees by military personnel.[260] Prison staff also noted fewer visitors during the time prison entrances were under military control.[261] Collaboration between prison staff and soldiers was described as ambivalent by prison authorities and staff. While the numerical increase of workforce was welcomed, the relationship was described as 'difficult' by a prison director as well as by Rodíl Hernández, Assistant Director at the General Directorate.[262] Moreno drew a similar picture, emphasising that the military was not qualified to work in prisons.

> SHF: How did you perceive the cooperation between […] the military and prison staff?
>
> RH: Difficult! Difficult, difficult.
>
> SHF: In what way?
>
> RH: In the sense that the army is the army, isn't it. The army is the army and has its training and its doctrinal direction and its training direction. And we have our own [ideological] direction which differs in many ways.[263]

Some interviewees perceived the behaviour of the military as excessively hostile and as intruding upon administrative work.[264]

As stated at the beginning of this section, the deployment of the armed forces was justified because of the lack of state control over prisons. However, the human rights violations which resulted from their deployment undermined the normative claim of the reform to reach rapprochement between state and citizens. It was very likely that those who directly suffered from abuse by soldiers experienced estrangement from the State rather than rapprochement.

[260] There are no statistics available that list the total number of complaints received at the PDDH for the period between May 2010 and April 2012 (the time when the FAES was present at 19 prisons). However, complaints of all human rights violations committed by the FAES increased by 537% between 2009 and 2011, as Aguilar (2014: 95) found.
[261] Interview with assistant prison director R35, 13 April 2012; interview with prison director R39, 16 April 2012.
[262] Interview with prison director R39, 16 April 2012; interview with Rodíl Hernández, 27 March 2012.
[263] Interview with Rodíl Hernández, 27 March 2012.
[264] Interview with assistant prison director R35, 13 April 2012; interview with prison director R39, 16 April 2012.

Sending the military was a decision made by the government. Thus, it was the state that used the military as a source of coercive power. Even if the military might have been perceived as acting independently from state authorities, the state in the shape of prison authorities was not able to protect citizens from abuse. This statement underscored the physical danger to which inmates were exposed by the measure:

> I am extremely pleased that [the military] left that day. Very pleased. In 2010, 2011, for almost 18 months, really, we've played with life and death. I mean there could have been a massacre by the armed forces against prisoners. And it did not happen. It [was] very risky.[265]

As outlined earlier, the withdrawal of the military was a concession made by the government to imprisoned gang members. However, the withdrawal did not imply an end to the dehumanised conditions under which inmates used to live; it was rather a return to the previous status quo. First, disregarding the transfer of the 30 gang leaders, gang leaders continued to claim an improvement of the situation in prisons during the truce process (Section 5.4.2.3). Second, prison staff was not prepared for the new situation, and the withdrawal was not linked to reform plans. For guards and prison authorities the withdrawal put them to the new (and old) challenge to cope with overcrowded prisons and scarce personnel, therein they feared the loss of control.[266] Hence, the problem of dehumanised conditions under which inmates lived remained to a large extent unresolved.

Some other observable effects of government ad hoc decision making highlighted the intensification rather than a solution of problems of gang violence and poor prison conditions. Amongst others, the failure to embed the gang truce in a broader strategy was mentioned. The lack of coordination among state institutions did not only keep the truce from becoming sustainable, it also complicated institutional reform efforts. Through the so called *mesa de la esperanza* an institutionalised form of dialogue was set up within the prison environment and with support from the civil society. However, this

[265] Interview with Douglas Moreno, 11 April 2012.
[266] Interview with assistant prison director R35, 13 April 2012.

institutionalised form of dialogue was not used for the provisional truce dialogue. Likewise, the actors involved in the institutionalised dialogue (like NGOs) did not participate in the truce dialogue.

The decision to transfer gang leaders to a low security prison contradicted the previous focus on keeping gangs from organising themselves inside prisons. With the failure of the truce, the transfer ultimately contributed more to empowering incarcerated gangs than to a reduction of gang violence.

The consequences of the failed truce for the relationship between state and society is comparable to the estrangement from state institutions experienced by victims of human rights violations committed by the armed forces at the prison gates. In this regard, it is likely that public trust in the capability of the state to solve the problem of gang violence diminished with the failure of the truce. Likewise, a commitment of gangs to search for nonviolent ways of social and economic participation has become unlikely. This means that there is less space for rapprochement between the state and the gangs which makes the long-term development of the security sector, including the penal system, more difficult.

Finally, since the anti-gang law was not enacted, there was no evidence of any visible effects of the law (for instance an increased incarceration rate). However, given its symbolic use, the law as part of the ad hoc decision-making process contributed to an intensification of the power struggle between the gangs and government.

10.5 Conclusion

Youth gangs shaped the situation in Salvadoran prisons decisively, and reforms of the prison system were closely connected to policy decisions of the government concerning the gangs. The analysis showed that government decisions concerning the prison system mainly followed a power struggle between the government and the gangs which developed around the truce between the two major Salvadoran gangs in 2012-2013. The truce was an attempt to establish a pact between the state and non-elites. In the context of contested statehood where powerful elites exert pressure on the official decision makers and where ad hoc decisions are characteristic for policy-

making processes, the truce was a creative approach to reduce violence with non-coercive means. However, it failed because ad hoc decision making regarding the truce was not transformed into a sustainable long-term strategy which would have connected with other security issues like the prison system. Remaining in an ad hoc decision-making mode implied that decisions regarding the gangs were easily reversed and ultimately replaced by coercive responses. Whilst the government used the military as an instrument of power, the gangs used their influence on the homicide rate as leverage. With the end of the truce in 2013 the attempt of the gangs to use murders as leverage became futile and the homicide rate escalated. Likewise, the increased militarisation of public security was a futile effort of the government to contain gang violence. Reforms of the prison system had aimed at the humanisation of inmates and the professionalisation of prison management. However, they were impeded by the failure to bring about rapprochement between gangs and the government and by the increased militarisation of the prison system. The study revealed that policy decision making was impacted by the gangs and other non-elites (like the withdrawal of the armed forces from the prisons as a concession to the gangs or the adoption of the anti-gang law in response to pressure from the public). However, the attempt to achieve an accommodation between state elites and non-state non-elites over violence control failed because there was no agreement reached over the gangs giving up coercive power or transforming it into another form of power. As a consequence, efforts to centralise violence and build a legitimate state monopoly on violence failed.

11. Conclusion

11.1 Security provision as a result of power struggles

This thesis argued that while institutional conditions are an important aspect of security provision in the global South, more attention needs to be paid to security practices. Institution building as set out in the SSR and statebuilding literature assumes that it is possible to provide security to all citizens of a state by building democratic state security institutions. However, this is only possible if the state represents the dominant power in controlling violence. The literature showed that this is rarely the case in countries of the global South (Migdal, 2001, Boege et al., 2008, Risse, 2011). Instead, it was suggested that statehood in the global South in terms of institutional structure and policy processes is contested. This thesis argued that the analysis of security practices allows for an analysis of security provision as it is (not as it ought to be according to SSR and statebuilding advocates). The analysis of security practices contributed to a better understanding of the shortcomings of security provision in the global South as it showed the impact of societal and state actors on security policy making. The case of El Salvador showed that in a contested state the interests of powerful elites are important forces of society which can shape the state-society relationship. In this context, policy making does not necessarily result from a pact between the state and society or from a social consensus as envisaged by parts of the FMLN and other forces of the New Left in Latin America. Instead, policy making results to a significant extent from elite pacts and elite struggles. Thus, the interests of the broader population are less decisive for security provision as a policy field than elite interests.

This research reflected on studies which showed that despite processes of economic modernisation in El Salvador, characteristics of the rent economy which had favoured the emergence of a small, strong elite, remained entrenched in the post-war economic order. This thesis argued that under ARENA governments (1989-2009) an economic order emerged in which economic activity was concentrated among a small number of business groups and multinational companies, resulting in precarious work and social exclusion for a large part of the population. This did not only foster social violence, as some studies showed. Scholars of the Paris School (and the Copenhagen

School) drew our attention to the importance of discourses of both securitisation and insecuritisation. In this regard, Moodie (2010, 2012), Peetz (2008), and Cruz (2016) shed light on the discourses of the Salvadoran political elites and of the international policy makers involved in constructing the post-war Salvadoran order. They showed how violence was criminalised and made an apolitical issue by describing violence as something common whose appearance was beyond political influence. In the given economic order, this implied that violence was made a problem of the poor and marginalised. This was contrary to the intentions of the post-war security reforms mediated by the UN and agreed between ARENA and FMLN in the Peace Accords in 1992. What is more important, it allowed for the construction of a state that withdrew from the responsibility to provide protection to all citizens. In other words, in post-war El Salvador, a state emerged which was not in the position to legitimately control violence. In a state in which the government did not seek to build a legitimate state monopoly on violence, violence remained dispersed. In the light of massive social violence, this translated into security practices marked by coercive, punitive, and short-sighted policies (*mano dura*).

El Salvador became a country governed by a party of the New Left, a term which is associated with the politics of left parties rising to power in several Latin American countries since 1998. Although parties were quite diverse in their ideologies and policies, analysts articulated some commonalities among the New Left. It strived to replace the neoliberal policy of conservative governments and international financial institutions in the 1980s and 1990s with a new vision of the state being responsive to societal needs and addressing social issues which concerned large parts of the population, such as poverty and violence. In contrast to other left governments in the region which only reluctantly addressed security issues, the FMLN developed a vision of citizen security that reflected the post-neoliberal ideas of rapprochement between the state and non-elite parts of the society. This vision was stipulated in the PJSC, the FMLN's security policy programme. However, the analysis of actual security practices in the arenas of police and prison reforms revealed the problems of implementing the citizen security policy. The Salvadoran case study showed that non-coercive responses to social violence did exist but lacked in their implementation, due to the impact of interests and power strategies of state and

non-state elites. Due to the power struggles between state and social forces which included the Left, the idea of the Left to develop a state which is responsive to societal needs was not realised.

Research about different decision making modes formed the basis of the concept of ad hoc decision making. It was argued that ad hoc-ism is a significant characteristic of policy processes in El Salvador and reflects the impact of power struggles on policy making. The study revealed that in the two analysed arenas – policing and prison system – ad hoc-ism is the predominant decision-making style. In some cases, decisions could not be categorised as purely ad hoc. For instance, the government's neglect of prison reforms could also be considered as a mix form of negative and ad hoc decision making. Likewise, the partial advancement of police reforms in the field of community policing may point to a mix of incremental and ad hoc decision making. However, in the majority of cases, decisions in the two arenas clearly were made ad hoc. This raises the question if policy making in El Salvador in general can be characterised as ad hoc. It is likely that the decisions and behaviour of actors described in the policing chapter impacted on other arenas of security policy making. The decision to replace the minister, the role of the private sector, and the links between parliamentarians and military officers may also have affected other arenas within the justice system. Security policy making is one of the most contested policy areas. As the thesis showed, contestation and ad hoc-ism are closely linked. Therefore, this area was ideal to demonstrate the conditions and effects of ad hoc decision making. However, ad hoc-ism may also penetrate other policy areas. The polarisation of the Legislative Assembly, which was highlighted in the policing case, probably affects other fields of policy making. It is also possible that the shown interlinkages between politics and economy affect other policy fields, especially the economic policy, and may be conducive to an ad hoc decision-making style in this field. Eventually, this is subject to more detailed, empirical research.

Compared to prison reforms, the analysis of police reforms turned out more comprehensive and detailed. On one side, this is due to fieldwork constraints. The lack of political and academic attention to the prison system made it challenging to collect sufficient data in this field. On the other side, and more importantly, the prison system is a more clearly identifiable arena with a limited

number of actors, less political attention and, thus, less contestation. In contrast, in police reforms more stakeholders are involved, ranging from international actors to the local residents of communities. Therefore, the contestation of policy making in this arena was more visible and could be explored in greater detail. The implementation of prison reforms was not more successful than the implementation of police reforms. However, future research should explore the question whether policies in less contested arenas (i.e. the prison system) are easier to implement than policies in more contested arenas (i.e. police reforms).

The ad hoc character of decision making illustrated the resistance security policy making was confronted with. Where security decision making of the FMLN government touched on the economic interests of the business elites, it was mostly met with resistance. Only in a few instances, elites aligned with the government. Yet, in either way activities of the business elites undermined efforts to strengthen state security institutions. The change of government in 2009 led economic elites to develop new modes of contestation and accommodation with the new political leaders without giving up any privileges gained in past economic orders. In addition, economic dependency on the US led the Salvadoran government to give in to pressure from the US regarding security decision making which highlighted the difficulty of policy making in an era of globalised markets. Further resistance came from opposing political elites who instrumentalised political polarisation to maintain their own power and their impact on security decisions. Eventually, parts of the FMLN, especially from the orthodox wing, disagreed with the pragmatic post-liberal policies of the moderate wing, while a second cleavage between the party base and President Funes further complicated policy making. By contesting the FMLN's security decision making, these multiple state and societal actors impeded the building of a state which would be capable of legitimately centralising and controlling violence. The gang truce, for its part, was an attempt to establish a pact between the state and non-elites and a creative approach to reduce violence with non-coercive means in the context of contested statehood. However, it failed because ad hoc decision making regarding the truce was not transformed into a sustainable long-term strategy. As a consequence of these power struggles, the attempt to implement a citizen security policy at the national level

failed. Instead, the FMLN relapsed into the repressive patterns of security policy making of previous governments.

Ad hoc-ism is not limited to elite manoeuvring, as the struggle between the government and the gangs showed. In contexts of contested statehood, it is theoretically possible for non-elites to build up and use power as leverage to enforce their interests. However, as characteristics of the rent economy remained entrenched in El Salvador's post-war economic order, elite pacts still play a decisive role in the organisation of society and politics. It is thus difficult for non-elites to alter the political decision-making process in the long term if their interests do not coincide with those of the economic elites. This research also showed that not all elites can draw on power sources to the same extent. The political power of the FMLN party did not have enough weight to compete with the economic power of the private sector and the US. Thus, it can be difficult for political elites, even if they represent the governing party, to be the decisive force in the policy-making process. While this may also be due to the structure of the political system or due to a particular political culture, the case of El Salvador showed that elite manoeuvring is a decisive factor that impacts on policy processes.

Research showed that in general terms the PJSC was well-designed and far-reaching, with the notable exceptions of prison reforms and a gang strategy. Police reform plans were built on post-Peace Accords professionalisation efforts and were as such comprehensive and detailed. As the prison system had been notoriously neglected in the Peace Accords as well as under previous governments, the need for reforms was immense. The Security Ministry and prison authorities did embark on this endeavour, albeit with a less detailed plan compared to police reforms. Importantly, prison reforms were not linked to the challenge of containing gang violence. Developing a gang strategy as an integral part of the policy programme and linking it to prison reforms would have minimised the undermining of prison reforms by the ad hoc-ism of the Funes government's responses to the gangs. In addition, a gang strategy could have provided some policy orientation during the gang truce which might have helped make the truce sustainable. In sum, the PJSC was innovative but failed to address some crucial problems of violence such as incarcerated gangs. The analysis of prison reforms showed that an innovative but not fully developed

security policy is impossible to implement considering the lack of support from powerful actors like business elites and the US on one side, and considering the impact of powerful gangs on the other side. Yet, even with a comprehensive reform plan for a well institutionalised body like the police, reforms were undermined by political and economic elites. This demonstrated the political relevance of actors who are not official decision makers for security practices.

11.2 Areas for further research

If we aim to understand why security reforms in contexts of massive social violence fail, a look at the nature of security institutions gives an incomplete answer. Scholars and policy makers need to broaden their perspective and pay attention to those decision makers who are responsible for drafting and implementing security policies in the affected societies. The fact that in societies which lack a legitimate monopoly on violence, security policy decisions are contested and made on an ad hoc basis should imply a revision of the possibilities of approaching security reforms in such a specific context.

This leads to the question what such a revision entails. First of all, it needs to be acknowledged that the state is not necessarily the predominant force controlling violence. In the security domain, it competes for power with social actors that undermine state efforts to centralise violence control. Also, the state is not a unified entity but consists of various actors with potentially contradicting interests. Thus, the realisation of security reforms needs to incorporate more critical thinking about the process of reform implementation. This process of reform implementation happens under the influence of multiple actors which are not the official decision makers but claim power through the use of violence. The thesis highlighted the gap which exists in understanding shortcomings of security provision in the global south from the perspective of security practices. This research began to fill this gap using the case of El Salvador. Analysing security practices in other countries which similarly suffer from massive social violence would not only help explain the dynamics of perpetuated insecurity, it would also help to better understand why reforms of the security sector fail to contain violence and crime. In other words, the search for solutions to violence

and crime must pay more attention to the political dimension in which social violence continues to exist.

This is especially true for dealing with organised non-state violent actors like gangs. The body of literature about these groups is growing. However, thus far, academic and policy ideas about the integration of gangs into society concentrate on individual members and not on the organisations as a whole. More research is needed to investigate the possibility or impossibility of the transformation of gang power from violent, destructive forms to non-violent forms of social or even political participation.

While this research primarily focused on police and prison reforms, further research concentrating on security practices could include other arenas of security policy-making like the justice sector or reforms of the military. At the same time, there is a need to better understand contemporary forms of violence. This research only touched on multiple policy issues arising from the permeation of the Salvadoran and other Latin American societies with different forms of violence. For instance, migration (in)security, trafficking, and internal forced displacement are being increasingly studied by academics from various angles, but these issues must be linked if policies are to tackle them. This means that addressing problems of violence issue by issue is important, but it is even more essential to comprehend the role of violence in violent-prone societies. It is not enough to explore the different phenomena of violence, beyond that there is a need to articulate the kind of social and political order that emerges from a society in which violence is dispersed and used by various state and non-state actors.

The FMLN was one of the few left governments in the region which had developed a national non-coercive security policy. Its failure points to the need for advancing with the development of national security approaches that comprise of robust preventive and de-escalating strategies. With the concept of citizen security, there exists an approach which was developed by scholars and policy makers of the region and which is relevant to local and regional security challenges. However, its theoretical tenets are underdeveloped and need to be strengthened if it is to provide an alternative to coercive security responses. This includes addressing the question how the concept of citizen security

relates to the different forms of violence and crime that exist in the region. For example, what would it mean to approach a problem like drug trafficking from a citizen security perspective? Advancing with the development of non-coercive state security responses means developing and implementing policies which do not equate more security with a quantitative increase of force as the boy in the introductory anecdote of the thesis did. Instead, firstly, it means drawing on policies tailored to the needs of those in society who are most affected by violence. Secondly and most importantly, it means developing new ways of realising these policies in an environment where security practices are challenged by multiple elites and non-elites.

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Appendix: List of interviews

List of interviews

Name or Code[267]	**Organisation / Function** (at the time of the interview)	**Date**
Óscar Fernández	FMLN *Adviser for Public Policy*	22 February 2012 13 February 2013
R30	PNC *Former officer at the executive level*	02 March 2012
R2	Ministry of Justice and Public Security *Adviser*	05 March 2012
Ricardo Ribera	Central American University *Professor of Philosophy and former FMLN member*	09 March 2012
Padre Antonio Rodríguez López	Servicio Social Pasionista *NGO working with at-risk youth, Director*	12 March 2012
Deysi Cheyne	Instituto de la Mujer *NGO for women's rights, Director*	14 March 2012
R25	*Director of a political foundation*	14 March 2012
Mauricio Figueroa	Fundación Quetzalcoatl *NGO working with at-risk youth, Director*	15 March 2012
Augusto Cotto	PNC *Assistant Director of Public Security*	15 March 2012
Luis Ortega and Daniel Fernández	*Former members of the FMLN, participants of a movement of wounded war veterans*	19 March 2012

[267] Codes are used where interviewees preferred to stay anonymous.

Claudia Umaña Araujo	Fundación Democracia Transparencia Justicia *NGO working on political participation, Director*	20 March 2012
Zaira Navas	PNC *Former Inspector General*	21 March 2012
Salvador Menéndez	PDDH *Attorney at the Human Rights Ombudsman Office*	21 March 2012 28 March 2012
Gerardo Alegría	PDDH *Assistant Attorney at the Human Rights Ombudsman Office*	21 March 2012
Oscar Santamaría	ARENA *Former member of the Legislative Assembly, signatory of the Peace Accords*	22 March 2012
Rafael Guidos Véjar	Ministry of Education *Professor of History*	23 March 2012
Nelson Flores	FESPAD *NGO working on legal advocacy, Programme Director of citizen security and penal justice*	26 March 2012 08 February 2013
Manuel Melgar	Ministry of Justice and Public Security / Central American Parliament *Former Minister/ Member of the Central American Parliament*	26 March 2012
Rosa Elena Ramos	PDDH *Employee at the Penitentiary Unit of the Human Rights Ombudsman Office*	26 March 2012
Rodíl Hernandez	DGCP *Assistant Director at the Directorate General of Penitentiaries*	27 March 2012

Dagoberto Gutierrez	Tendencia Revolucionaria *Leader of a political movement of the Left, signatory of the Peace Accords for FMLN*	27 March 2012
R20	US Embassy *Political Officer*	28 March 2012
Obispo Medardo Gómez	*Bishop of the Lutheran Church*	28 March 2012
Pedro Monterrosa	Secretary for Strategic Issues *Coordinator of Political Reform and Citizen Participation*	29 March 2012
Nora Serrano	DGCP *Director of the Penitentiary School*	29 March 2012
R31	*Instructor at the Penitentiary School*	29 March 2012
R32	*Instructor at the Penitentiary School*	29 March 2012
R33	*Instructor at the Penitentiary School*	29 March 2012
R34	*Instructor at the Penitentiary School*	29 March 2012
Douglas Moreno	*Viceminister of Justice and Public Security, former Director General of Penitentiaries*	11 April 2012
R27	ANSP *Employee at the executive level of the National Academy of Public Security*	12 April 2012
Brian Rude	AEIPES *NGO working with (ex-)prisoners*	16 April 2012
R29	ANSP *Employee at the management level of the National Academy of Public Security*	18 April 2012
R35	*Assistant Director of a prison*	13 April 2012
R36	*Psychologist at a prison*	13 April 2012
Francisco	*Prisoner*	13 April 2012
José	*Prisoner*	13 April 2012
R39	*Director of a prison*	16 April 2012

R40	PNC *Employee at the Inspectoría General*	18 April 2012
Benito Lara	FMLN *Parliamentarian, member of the Security Commission*	11 February 2013
Rolando Elias Julian Belloso	PNC *Head of Technical Council*	14 February 2013
Oscar Alfredo Pineda and René Abrego Labbé	FUSADES *Think Tank, Analysts at the Department of Legal Studies*	15 February 2013
Nestor Granados	Project Metamorfosis *Social project for ex-prisoners, Manager*	18 February 2013
R47	Project Metamorfosis *Ex-prisoner*	18 February 2013
René Rosales	Project Metamorfosis *Director*	18 February 2013
Ernesto Angulo	ARENA *Parliamentarian, member of the Security Commission*	19 February 2013
Carlos Dada and José Luis Sanz	El Faro *Online newspaper, Director (Dada) and Journalist (Sanz)*	19 February 2013
César René Reyes Deming	ARENA *Parliamentarian, member of the security commission, Coronel*	21 February 2013
Rodrigo Avila	ARENA *Presidential candidate in 2009, Ex-Director of the PNC, private security adviser*	25 February 2013
Antonio Morales	Secretary for Strategic Issues *Head of Division of Governance and State Modernisation*	28 February 2013
Knut Walter	*Professor of History*	06 March 2013

R55	PNC *Chief Inspector*	07 March 2013
R56	Municipality of Ilopango *Employee*	08 March 2013
Marvin (and Carlos)	Mara Salvatrucha *Spokesperson (Marvin), gang member (Carlos)*	08 March 2013
R57	PNC *Police Intelligence Centre, employee at the executive level*	13 March 2013
R58	*FMLN security expert*	14 March 2013
Edwin Ramírez	*Political activist*	15 March 2013
David Munguía Payes	Ministry of Justice and Public Security *Minister, former Minister of Defence*	19 March 2013

List of background interviews

Rodolfo Parker	PDC *Secretary General*	24 August 2011
Aída Santos de Escobar	CNSP *Former President of the National Council for Public Security*	24 August 2011
Hugo Ramírez	PNC *Assistant Director of Public Security*	25 August 2011
Deysi Cheyne	Instituto de la Mujer *NGO for women's rights, Director*	31 August 2011
R2	Ministry of Justice and Public Security *Adviser*	01 September 2011
Ingrid Schlaffke de Escobar	Fundación Seidel *Political foundation, Director*	02 September 2011

Ramón Villalta	ISD *NGO monitoring political culture, Director*	06 September 2011
Benito Lara	FMLN *Parliamentarian, member of the Security Commission*	07 September 2011
María Silvia Guillén	FESPAD *NGO working on legal advocacy, Director*	08 September 2011
Arnoldo Jiménez	ANEP *Director of the National Association of Private Enterprise*	12 September 2011
Jaime Martínez	ANSP *Directo of the National Academy of Public Security*	12 September 2011
Jeannette Aguilar	IUDOP *Director of the University's Institute of Public Opinion*	13 September 2011